Bombay Gazette.

VOL. 37. WEDNESDAY, 1st NOVEMBER, 1826. No. 1900.

CARD.

THE ANNUAL GENERAL MEETING of the BOMBAY AUXILIARY CHURCH MISSIONARY SOCIETY, will be held in the Vestry of ST. THOMAS' CHURCH, on Tuesday the 7th Instant, at eleven o'clock in the forenoon.

T. CARR,
Secretary.

BOMBAY,
NOVEMBER 1st 1826.

Higgs and Briggs

WILL SELL
BY AUCTION,
To-morrow, the 2d Instant,
A LARGE COLLECTION
OF
BOOKS,
OF A
CIRCULATING LIBRARY,
COMPRISING

TALES, Novels, Romances, Travels, Voyages, Essays, Biography, History, Magazines &c.

AND

A Box of new unbounded books, Paris Editions, viz. St. Ronan's Well, Redgauntlet, Quinten Durward, Monastery, Abbot, Crusaders, Peveril of the Peak, Tales of a Traveller, Bracebridge Hall, New York, Husband hunting, Highways and Byeways, Spirit of the Age, and many others.

Meadows Street, 1st Nov. 1826

Higgs and Briggs

WILL SELL
BY AUCTION
To-morrow, the 2d Instant,
AT 1 O'CLOCK,
TWO STRONG BAY
ARAB HORSES,
A MATCH, AND LIKELY TO GO
WELL IN HARNESS,
AND A GREY
ARAB PONEY,

THE Property of a Gentleman about to leave India.

A Lady's Saddle Horse, 4 years old 13 hands high, with or without a Lady's Saddle.

Meadows Street, 1st Nov. 1826.

Higgs and Briggs

WILL SELL
BY AUCTION,
On Thursday the 9th Inst.

AN Invoice of Glassware, from Pellatts and Green, St. Paul's Church Yard, comprising, Decanters, Cream Jugs, Antique Ditto, Water Bottles, Cut Tumblers, Salt Cellars, Sweetmeat Pots, Cruits, Castors, and Mustard Pots, Dishes of Sizes, Honey Pots, Caddy Basons, Toilet Bottles, Liquor Ditto, Single and Double Branch Wall Shades, Ditto with Cut Pans, Drops and engraved Shades, Candlesticks, with engraved Pillar Shades, Double Branch Do. with Ditto, and Glass bottomed Vase Lamps of Sizes, with plated and brass Furniture.

The above will be on view for one week prior to the Sale.

Meadows Street, 1st Nov. 1826.

Higgs and Briggs

HAVE JUST RECEIVED
FOR SALE
On Commission,
A DOUBLE BARRELLED
FOWLING PIECE
WITH FLINT LOCKS,
BY
Joseph Manton,
PRICE Rs. 600.
One Ditto By John Manton,
PRICE Rs. 550.
AND A SECOND, HAND,
Ditto
WITH PERCUSSION LOCK,
By Wilkinson,
PRICE Rs. 160.

Meadows Street, 1st Nov. 1826.

Higgs and Briggs

HAVE FOR SALE
On Commission,
THE
ORIENTAL HERALD.
FOR FEBRUARY AND MARCH,
PRICE PER COPY Rs. 4.
FOR APRIL, MAY, AND JUNE,
PER COPY Rs. 5.

Meadows Street, 1st Nov. 1826.

Higgs and Briggs

HAVE FOR SALE
On Commission,
CHRISTOPHER'S
SUPERIOR
English Claret,
PRICE Rs. 25 PER DOZEN.

THE above is particularly recommended to the Notice of Gentlemen, being of the best quality and Sold at the reduced price, to close an account.

Meadows Street, 1st Nov. 1826.

Higgs and Briggs.

HAVE JUST RECEIVED
FOR SALE,
On Commission,
A VERY LIGHT
AND NEAT
CALCUTTA BUILT,
SHIGRAMPOE,
WITH A SET
OF NEARLY NEW,
HARNESS.
PRICE Rs. 1800.

Meadows Street, 1st Nov. 1826.

Higgs and Briggs

HAVE JUST RECEIVED
FOR SALE
On Commission,

The following Articles of neat Jackwood Furniture, as good as new, belonging to a family leaving the Presidency.

Sofa Tables . . .	Per Pair . .	Rs. 160
Card Do.	Do.	115
Book-cases.	Do.	230
Couches.	Do.	150
Jar Stands with Sugar Jars.	do. .	85
Chest of Drawers and Book-case	.	95
Chairs.	Per Dozen. . .	96
Teapoys.	Per Pair. . . .	20
Wardrobe.		75
Dining Table for 14 persons. . . .		180
Wash-hand stand complete. . . .		120
Blackwood Couches.	Per Pair. .	115
Do. Octagon Table.		100
Do. Cot and Bedding.		40
A Large Cambay Carpet. . . .		100

Meadows Street, 1st Nov. 1826.

Higgs and Briggs

HAVE JUST RECEIVED
FOR SALE
On Commission
GOLD WATCHES,
By Harrison,
RUPEES, 375. AND 450.

A GOLD Watch, by Recordon Rs. 40
Ditto, by Cording 425
An Eight day Clock 150
Time Pieces each 130

Meadows Street, 1st Nov. 1826.

Higgs and Briggs

HAVE JUST RECEIVED
FOR SALE
On Commission,
A NEAT
MADRAS BUILT
DENNET,
And set of excellent,
HARNESS,
PRICE Rs. 800
The above has been driven only
2 Months.

Meadows Street 1st Nov. 1825.

Higgs and Briggs

HAVE FOR SALE,
On Commission,
THE FIRST PARTS OF
GRINDLAY'S VIEWS,

BEING a Scene in Bombay, Approach of the Monsoon in Bombay Harbour, the Shaking Minarets at Ahmedabad, the Rajah of Cutch with his vassals, and the Mountain of Abo in Guzerat.

PRICE RUPEES 30.

Meadows Street, 1st Nov. 1826.

SALE BY AUCTION,

OF
Fashionable Silver and Plated-Ware,
Kempt and Co.

ON Saturday the 4th Instant, at noon, Will Sell, two Complete Camp Cases fitted up, with Silver and Plated Articles, of the first description, belonging to the Estate of an Officer of rank deceased.

The whole will be Sold together, if a fair price can be obtained, otherwise in small lots.

The Articles may be seen at the Auction-room.

Bombay, 1st Nov. 1826.

NOTICE IS HEREBY GIVEN,

THAT the deed appointing the Rev. HENRY DAVIES and JAMES BRISCO GRAHAM, of Bombay, Gentlemen, Trustees to the affairs of the late Firm of BAXTER AND COMPANY, upon the condition of the Creditors of the said firm coming in and executing the said Deed within six weeks from the date thereof, viz. from the 20th day of July last, having become void, by reason of none of the Creditors having executed the said Deed, it has been since cancelled; and in order to effect a settlement with the Creditors, all the right, title, and interest, to the outstanding debts, and stock in trade, of the late firm of Baxter and Company, has been assigned to Messrs BALCRUSTNA AND GOPAL, of Bombay, Native Bankers, to whom the said Debts are requested to be forthwith paid, in order to effect a speedy payment of the claims undertaken by them, and for that purpose accounts will, with all practicable despatch, be furnished to the late Constituents of the said Firm by Mr. ROBERT BAXTER, remaining Partner of the said late Firm.

Bombay, 1st Nov. 1826

MR. ROBERT BAXTER,

HAVING made an arrangement with Friends which will enable him to supply goods to such of his Friends as have been punctual in the liquidation of their accounts, takes this opportunity of soliciting the continuance of their much valued friendship and support, and begs thus publicly to aknowledge the many obligations he already lays under for favors conferred.

Bombay, 1st November 1826.

TICKETS in the 1st CALCUTTA LOTTERY of 1827, to be had at the Office of Messrs. RANKEN & SAUNDERS. PRICE Rs. 120.

TO BE SOLD,

BY AUCTION,
ON THE PREMISES,
On the 6th November next, instead of the 5th as formerly Advertised.
WITHOUT RESERVE,

THE Pleasant retreat of BEACH COTTAGE, for a more particular description of this valuable little Estate, those who wish to purchse are referred to a hand Bill, laying at the GAZETTE OFFICE.

And at the same time will be sold for ready Cash, some Articles of Household Furniture, Lamps, Glass Ware, &c. &c. which must be cleared away immediately after the sale.

TERMS OF SALE FOR THE ESTATE.

A deposit of Ten Rupees in the hundred to be paid down by the Purchaser of the Estate on the Day of Sale, and the balance of the amount of the purchase money, to be paid three days after, in default of which the deposit to be forfeited and the Estate to be resold at the risk of the first Purchaser.

Bandora Beach Cottage, 17th Oct. 1826.

Messrs. Sprague and Co.

HAVE just received from a respectable manufacturer, a supply of the VEGETABLE SYRUP, or Compound Syrup of Sarsaparilla, which in all the well known uses of that medicine has obtained a decided preference over the far-famed Syrup of De Velnos. It is prepared expressly for this country, and in a state of high concentration. They have aslo imported a quantity of *West India Tamarinds, Bermuda Arrow Root,* Soda, Seidlitz, and Ginger Beer Powders, excellent *Soda Water* in *bottle,* and a variety of other articles.

Bombay, 1st Nov. 1826.

Fuckeerjee Bhoyjee,

HAS the pleasure to inform his Friends and the Public, that he has Received a FRESH LOT of ARAB HORSES from Bussora.

Bombay, 1st November 1826.

FREIGHT FOR LISBON.
THE PORTUGUESE REGISTER SHIP

PRINCE DON PEDRO,
Captain Joze Maria Vieira,
of R. Navy,

WILL sail for Lisbon in all December, or beginning of January next, from Goa, touching at Angolla and Benguella on her way: also the Commander will receive Passengers that might wish to go to Europe.

The list of rates of freight for different articles, and further particulars may be known by applying to Sir ROGER DE FARIA, at his Office, Rampart Row, behind the Library.

Bombay, 1st November 1826.

Passage to England

TO SAIL ABOUT THE 15th OF DECR
TOUCHING AT THE
CAPE OF GOOD HOPE
THE FINE SHIP

Royal George,
500 TONS
STEPHENSON ELLERBY,
COMMANDER,

CARRIES a regular Surgeon.—For particulars Apply at the Office of Messrs. RANKEN AND SAUNDERS.

Bombay, 1st Nov. 1826.

For Freight or Passage

TO LONDON,

THE FINE SHIP

Britannia A. 1.

BURTHEN 500 TONS,

Wm. Bourchier R. N.

COMMANDER,

WAS to leave England on or before the 12th July, and may be expected here early in November.

This Ship has had a thorough refit in England, been new coppered, had her accommodations altered and enlarged and is now as neatly fitted up as any vessel that visits Bombay.—The Britannia carries a Surgeon and will be dispatched from this in December.

Plans of her accommodations may be seen and further particulars learnt on application at the Office of Messrs. ADAM SKINNER AND Co.

Bombay, 1st Nov. 1826.

For Passage to London

TO CALL AT ALLEPEE

THE NEW RIVER BUILT SHIP

RUNNYMEDE,

300 TONS

ON HER FIRST VOYAGE.

Charles Kemp Commander,

THIS Ship Carries a Surgeon, and has Good accommodations. Will Sail in all November. For particulars inquire at the Office of Messrs. RANKEN AND SAUNDERS.

Bombay, 1st Nov. 1826.

Passage to London,

THE FINE TEAK BUILT SHIP

RECOVERY,

OF 550 TONS BURTHEN,

Henry C. Chapman,

COMMANDER,

WILL be dispatched to London about the 15th Instant, and is to touch at the Cape of Good Hope.

This Ship is elegantly fitted up for passengers, and Carries a regular Surgeon. Apply to the Commander at the Office of Messrs. WILLIAM NICOL and Co.

Bombay, 1st Nov. 1826.

Passage for Liverpool,

PER THE SHIP

DOROTHY,

JAMES GARNOCK,

Commander,

A REGULAR TRADER,

To Sail on the 26th Instant,

APPLY TO CAPTAIN GARNOCK,

At the Office of, RITCHIE STEUART AND Co.

Rampart Row, 1st Nov. 1826.

FOR SALE

AT THE

Gazette Office,

BLANK Bills of Exchange, Powers of Attorney, Interest and Respondentia Bonds, Policies of Insurances, Bills of Lading, &c. &c.

Bombay, 1st Nov. 1826.

To the Editor of the Bombay Gazette.

SIR,

I have been induced by reading the letter signed "Talib" in your paper of the 11th instant, to make some inquiries into the nature and origin of the dispute at present existing among the Parsees of Bombay and Surat, with regard to the observance of the *Kubeesa*.

The information which I have obtained was chiefly derived from the *Qissa i Sujjan* written by Mohbed Balmun Kaikobad of Nussaree in the year 969 A. Y. and not in 1048 as stated by Talib. I have been informed that the original MS. is in the possession of a Parsee at present in Bombay. This Book contains an account of the emigration of the Parsees from their own country. The author states that he drew it up from a number of old Persian MSS. it likewise probably contains a number of true traditions, which tho' they cannot be entirely depended on, are yet entitled to considerable confidence, as the accounts of so remarkable an occurrence as the emigration would most likely be transmitted with great care from father to son. I believe it is moreover the only account which we have of that event.

In the reign of Khosru Purvez about 49 years before the Æra of Yesdegird, the Inhabitants of Khorasan, understanding from prophecies in their Zendavesta and other religious books that both their kingdom and religion were soon to be overturned, went and resided on the mountains of Khoestan in Khorasan, taking with them their historical and religious books. While they were residing there, and in the reign of Yesdejird, the time for the observance of the *Kubeesa* arrived, which by the direction of Yesdejird Hazaree and others of their principal priests and astronomers, they accordingly kept; but the King being at that time engaged in a war with the King of Arbestan, the *Kubeesa* was not observed by him and the nation at large as it was always celebrated with the greatest festivity all over the kingdom, and likewise by an exemption from all duties and land tax during the whole year.

This was the *Kubeesa* mentioned by Richardson as happening at the month "*Aban*" and is the only one which has been observed since the commencement of the Æra of Yesdejird, and that only by the Inhabitants of Khorasan, from whom the Parsees of India are descended, their brethren of Persia never having observed any *Kubeesa* since that Æra.

From Richardson's statement that the *Kubeesa* had arrived at the month "*Aban*" at the time of Yesdejird it is probable that one *Kubeesa* had been observed during his reign, and it is quite clear from Talib's calculation that no *Kubeesa* can have been observed by the Inhabitants of Persia since the Æra of Yesdejird which is reckoned from his accession to the throne. This I think strongly corroborates the above statement and satisfactorily accounts for the difference of one month in the Kalendars of the Rusumees and Qudeemees.

About the year 51 A. Y. they left the mountains of Khorasan and arrived at the Port of Hormus, where they remained 15 years, and there embarked for Deeu where they stayed 19 years and learned the language of the country; from thence they embarked for Sujjan and arrived there on Friday the ninth Shrawun Shood Sumbut 772 A. Y. 85 A. D. 716 and have never since observed the Kubeesa of one month or any other intercalary period, and from them are descended the whole of the present Parsees of India.

From the time of their arrival in this country till about the year 1747 A. D. they continued to compute the time according to the Kalendar at present used by the Rusumees when the Persian Kalendar was first introduced. It has however gained but few followers who have taken to themselves the name of Qudeemees, and given their opponents the name of Rusumees; the Rusumeas call themselves Shersae and the other party Chooreeghur.

The Æra of the institution of the *Kubeesa* was long prior to the age in which Zoroaster lived; its observance was however enforced by him in the Zendavesta and the dispute respecting it has been prosecuted with all the acrimony and animosity with which religious disputes are usually carried on. The question was violently agitated about 40 years ago, when the disputes rose to such a height as often to end bloodshed.

The most violent of the two parties are the Qudeeemes who, as is generally the case with Advocates of a bad cause, when arguments fail, they have recourse to abuse. The Bombay Summachar is wholly in their interest, its conductors some time back when they first took up the question, promised to give admittance to any papers which might be sent by either party; but now the Qudeemees having advanced the whole of their arguments and being conscious of their lameness they refuse to insert any answer which the Rusumees send. A few months back the Rusumees of Surat drew up and published in the Guzerattee language a collection of extracts from a number of ancient Persian MSS. and among others from the *Qissa i Sujjan*, from which the curious enquirer may ascertain the correctness of the facts I have stated.

M.

24th Oct. 1826.
Furwurdeen, A. Y. 1196.

GENERAL ORDERS,

BOMBAY CASTLE, 21st SEPTEMBER 1826.

By the Hon'ble the Governor in Council.

No. 265 of 1826.—The following General Order by the Right Hon'ble the Vice President in Council is republished for the information of the Army under this Presidency.

No. 190 of 1826.

GENERAL ORDERS BY THE RIGHT HONORABLE THE VICE PRESIDENT IN COUNCIL.

FORT WILLIAM AUGUST 18TH, 1826.

The Right Honorable the Vice President in Council is pleased to direct, that the following Statements, prepared by the Clothing Board, exhibiting the Consolidated Off-Reckoning Accounts of the Three Presidencies, for the year 1822, be published in General Orders, for the information of the Armies of India.

Distribution Detail of the Consolidated Surplus Off-Reckonings of the Three Presidencies, of Fort William, Fort St. George and Bombay, for the year 1822, comprising the following Statements; viz.

No. 1.

Statement of Interest accruing from the unpaid balance of the Consolidated Off-Reckoning Fund of the Three Presidencies, of Fort William, Fort St. George, and Bombay, for the year 1822.

FORT WILLIAM,

	St. Rs. A. P.	*Sa. Rs. A. P.*	*Sa. Rs. A. P.*
Amount of Surplus Off-Reckonings,	626864 3 6¾	or 599939 14 6	
		Sa. Rs. A. P.	
Deduct Advances to Forty-one Officers, on the "Senior List," and Full Share, at Sa. Rs. 6000 each,		246000 0 0	
Item, Advance to Nine Officers, on the "Retired," and "Junior Lists," or Reduced Share, at 543-15 each,		37462 8 0	
			283462 8 0
Sum bearing Interest,			316477 6 6
Amount of Interest, from the 1st of January 1824 to the 31st of July 1826 or for Two Years and Seven Months, at Six per Cent, per Annum,			49054 0 0

FORT ST. GEORGE.

	Ms. Rs. A. P.		
Amount of Surplus Off-Reckonings,	285245 14 9		
Deduct Advances to Thirty-four Officers on the "Senior List" and Full Share, and Eight Officers on the "Retired" and "Junior List" or Reduced Share, as above,	261187 8 0		
Sum bearing Interest.	24058 6 9	or 22399 6 3	
Amount of Interest, as above,			3471 14 6

BOMBAY.

	Bo Rs. A. P.		
Amount of Surplus Off-Reckonings,	162091 0 62		
Deduct Advances to Seventeen Officers on the "Senior List" and Full Share, and four on the "Retired" and Junior List," or Reduced Share, as above,	119400 0 0		
Sum bearing Interest, as above,	42691 0 62	or 39641 12 6	
Amount of Interest as above,			6144 7 6
Total Interest, for the Three Presidencies, Fifty eight Thousand, Six Hundred and Seventy Sicca Rupees and Six Annas,			58670 6 0

No. 2.

Statement of Surplus Off-Reckonings of the Presidencies of Fort William, Fort St George, and Bombay, for the year 1822, shewing the Stipends of Officers of the "Senior" and "Junior Lists" at each Presidency and the Amount remaining to be divided amongst the Colonels and Lieutenant Colonels Commandant of Corps, and Shares of the Consolidated Fund of the Three Presidencies.

FORT WILLIAM.

	Sa. Rs. A. P.	*Sa. Rs. A. P.*
Amount of Surplus Off-Reckonings, Sonat Rupees 626964 3 6¾ or	599939 14 6	
Add Interest, allowed by Government, as per Statement No. 1,	49054 0 0	
		648993 14 6

Deduct Amount (equal to Nine Shares, for Officers on the "Retired" and "Junior Lists") paid, or payable as follows viz. to Lieutenant Generals Vere, Warner, Hussey, (the late), George Deare (the late,) and William Nevil Cameron, for the Full Year—of the Retired List, and Colonels Thomas Shuldham, from the 1st of January to the 26th of August, inclusive,—Alexander Caldwell, C. B., from the 1st of January, to the 6th of November, inclusive,—Sir Thomas Brown, K. C. B. James Price, John Withington Adams, C. B., for the Full Year and Sir William Toone, K. C. B., late), from the 1st of January, to the 15th of August inclusive—of the "Junior List," Alexander Knox, brought on the "Junior List" from the 16th of August, (vice Toone, deceased), to the 31st of December inclusive—Henry Worsley, C. B., brought on the "Junior List" from the 27th of August, (vice Shuldham, brought on the Full Share—vice Haynes, deceased), to the 31st of December inclusive—and Jacob Vanrenen, brought on "the Junior List" from the 7th of November (vice Caldwell, brought on the Full Share, vice White, deceased), to the 31st of December inclusive, at £543 15s. per, Annum, each Share.....

Net surplus, appertaining to the Presidency of Fort William,	37462 8 0	311531 6 6

FORT ST. GEORGE

	Sa. Rs. A. P.	*Sa. Rs. A.*	*P.*
Amount of Surplus Off-Reckonings, as per Statement received with Lieutenant Colonel Commandant and Secretary Casement's Letter, (No, 197,) of the 16th of September, 1825, Madras Rupees 85245 14 9, or.	265515 13 6		
Add Interest, allowed by Government, as per Statement No. 1,	34711 14 6		
		269047	12 0

Deduct amount (equal to Eight Shares for Officers on the "Retired" and "Junior Lists,") paid, or payable, as follows; viz. to Lieutenant Generals Thomas Trent, and Daniel Burr, for the Full Year-of the "Retired List,"—and Major General T. Hayes, from the 1st of January to the 23d of August inclusive—J. G. Graham, from the 1st of January to the 24th of December, inclusive—Charles Rumley, Thomas Marriott, and Sir J. Doveton, K. C. B., for the Full Year—H. Hall, from the 24th of August (vice Hayes, brought on the Full Share—vice Lang, deceased), to the 31st of December, inclusive—and Colonel J. Leith, from the 25th (vice Graham, brought on the Full Share—vice Durand, deceased), to the 31st December, inclusive—of the "Junior List,"—at £543 15s. per Annum, each Share, ... 33300 0 0

Net Surplus, appertaining to the Presidency of Fort St. George, [illegible] 12

BOMBAY,

Amount of Surplus Off-Reckonings, as per Statement received with Lieutenant Colonel Commandant and Secretary Casement's Letter, (No. 13,) of the 4th of May, 1824,..Bombay Rs. 162091 0 62, or	150513 3 6	
Add Interest, allowed by Government, as per Statement No. 1,	6144 7 6	
		156657 11 0

Deduct Amount, (equal to Four Shares, for Officers on the "Retired" and "Junior Lists") paid, or payable, as follows: viz. to Lieutenant General John Peche, for the Full Year—of the "Retired List," and Lieutenant Colonels Commandant David Lighton, and James Smith for the Full Year—Henry Hessman, from the 1st of January to the 18th of September, inclusive—and T. Corsellis, from the 19th of September, (vice Hessman brought on the Full Share, vice Gore, deceased), to the 31st of December inclusive—of the "Junior List," at £543 15s. per Annum, each Share, ... 16157 2 3

Net Surplus appertaining to the Presidency of Bombay. 140500 8 9

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

	Sa. Rs. A. P.	Sa. Rs. A. P.
Net Surplus Off-Reckonings appertaining to the Consolidated Fund of the Presidencies. Nine Lacs, Eighty seven Thousand, Seven Hundred and Seventy-nine Sicca Rupees, Eleven Annas, and Three Pies,		987779 11 3

Abstract of Shares in the above Surplus, shewing the Amount of each, viz.

Presidency of Fort William,	41	
" " Fort St. George,	34	
" " Bombay,	17	
Total, 92 at Sa. Rs. 10736 11 9 each,		987779 9 0
Lost by the Fractions,		2 3
Total, as above, Sicca Rupees,		987779 11 3

No. 3.

Statement of the Names of Officers of the Presidencies of Fort William, Fort St. George, and Bombay, entitled to Share in the Consolidated Surplus Off-Reckonings of the year 1822, shewing the amount accruing to each Individual.

FORT-WILLIAM.

			Sa. Rs. A. P
Lieutenant-General	George Russell, on the "Senior List," of 1822,	Full Year,	10736 11 9
"	Sir John Macdonald, K. C. B., (the late,)	ditto, ditto,	10736 11 9
"	James Dunn, (the late,)	ditto, ditto,	10736 11 9
"	James Dickson,	ditto, ditto,	10736 11 9
"	George Hardyman,	ditto, ditto,	10736 11 9
"	James Morris, (the late,)	ditto, ditto,	10736 11 9
"	Peregrine Powell,	ditto,	10736 11 9
"	Robert Phillips,	ditto,	10736 11 9
"	Sir Robert Blair, K. C. B.	ditto,	10736 11 9
"	John MacIntyre,	ditto,	10736 11 9
"	Henry DeCastro,	ditto,	10736 11 9
"	Bennet Marley,	ditto,	10736 11 9
"	Sir Dyson Marshall, K. C. B. (the late,	ditto,	10736 11 9
"	Samuel Bradshaw,	ditto,	10736 11 9
"	Sir George Wood, K. C. B, (the late,)	ditto,	10736 11 9
"	John Haynes, (the late,) from the 1st of January to the 20th of August inclusive,		7000 15 0
Major-General	Nicholas Carnegie, (the late,)	Full Year,	10736 11 9
"	John Gordon,	ditto,	10736 11 9
"	Sir Henry White, K. C. B. (the late,) from the 1st of January to the 6th of November inclusive,		9118 14 0
"	Sir Gabrial Martindell, K. C. B.	Full Year,	10736 11 9
"	Sir George Sackville Browne, K. C B.	ditto,	10736 11 9
"	Walker Dawson Fawcett, (the late,)	ditto,	10736 11 9
"	George Prole,	ditto,	10736 11 9
"	Archibald Fergusson,	ditto,	10736 11 9
"	Charles Stuart,	ditto,	10736 11 9
"	St. George Ashe,	ditto,	10736 11 9
"	Sir David Ochterlony, Bart. K. C. B. (the late,)	ditto,	10736 11 9
"	Henry Fox Calcraft,	ditto,	10736 11 9
"	Edward Swift Broughton,	ditto,	10736 11 9
"	Robert Haldane, C. B.	ditto,	10736 11 9
"	Lambert Loveday,	ditto,	10736 11 9
"	Lewis Thomas, C. B. (the late,)	ditto,	10736 11 9
"	Thomas Hardwick,	ditto,	10736 11 9
"	Robert Bourke Gregory, C. B. (the late,)	ditto,	10736 11 9
"	John Arnold, C. B.	ditto,	10736 11 9
"	George Hanbury Pine,	ditto,	10736 11 9
"	Littlelus Burrell,	ditto,	10736 11 9
"	George Dick,	ditto,	10736 11 9
"	John Cunningham,	ditto,	10736 11 9
Colonel	Thomas Shuldham, on the "Junior List," or Reduced Share, at £543 15s. per Annum, from the 1st of January to the 26th of August inclusive, provided for in Statement No. 2.		
"	On the Full Share, from the 27th of Ausgust (vice Haynes, deceased,) to the 31st of December, inclusive.		3735 12 9
"	Alexander Caldwell, C. B., on the "Junior List," or Reduced Share, at £543 15s. per Annum, from the 1st of January to the 6th of November inclusive, provided for in Statement No. 2.		
"	On the Full Share, from the 7th of November (vice White, deceased,) to the 31st of December, inclusive,		1617 13 9

On the "Junior List," or Reduced Share, at £543 15s per annum. — Provided for in Statement, No. 2.

Major-General Sir Thomas Brown, K. C. B.	Full Year.	
Colonel James Price,		
" John Withington Adams, C. B.		
Major-General Sir William Toone, K. C. B. (the late)	From the 1st of January to the 15th of August, inclusive,	
	From the 16th of August, (vice Toone, deceased), to the 31st of December inclusive,	
Colonel Alexander Knox,	From the 27th of August, (vice Shuldham, brought on Full Share vice Haynes, deceased), to the 31st of Dec., inclusive.	
" Henry Worseley, C. B.		
" Jocob Vanrenen,	From the 7th of Nov. (vice Caldwell, brought on Full Share, vice White, deceased), to the 31st of December, inclusive,	

Lieut.-Col. Commdt.	Christopher Sullivan Fagan, Army Clothing Agent, 1st Division Full Year,	10736 11 9
Captain	Llewellyn Conroy, (the late,) Ditto ditto, 2d Divison, from the 1st of January to the 31st of March, inclusive,	2647 6 6
Lieut.-Colonel	John Bewis Stuart, Army Clothing Agent, 2d Division, from the 1st of April to the 31st of December, inclusive,	8089 5 3
Total Amount payable to the Sharers of Fort William, Four Lacs, Forty Thousand, Two Hundred and Six Sicca Rupees, One Anna and Nine Pies,		440206 1 9

FORT ST. GEORGE.

Lieut.-General	George Roberts, on the "Senior List," of 1822,	Full Year,	10736 11 9
"	Archibald Brown, (the late,)	ditto,	10736 11 9
"	Carey Lalande, (the late	ditto,	10736 11 9
"	David Campbell,	ditto,	10736 11 9
"	John Orr,	ditto,	10736 11 9
"	John Richardson,	ditto,	10736 11 9
Lieut.-General	Daniel McNeile, ditto	ditto,	10736 11 9
"	William Kinsey, ditto	ditto,	10736 11 9
"	Thomas Bowser, ditto	ditto,	10736 11 9
"	Robert Bell, ditto	ditto,	10736 11 9
"	Robert Mackay, ditto	ditto,	10736 11 9
"	Sir Hector MacLean, K. C. B. ditto	ditto,	10736 11 9
Major-General	Gabriel Doveton, (the late) ditto	ditto,	10736 11 9
"	Sir Thomas Dallas, K. C. B. ditto	ditto,	10736 11 9
"	Alexander Cuppage, ditto	ditto,	10736 11 9
"	Alexander Dyce, ditto	ditto,	10736 11 9
"	Charles Corner, ditto	ditto,	10736 11 9
"	Tredway Clark, (the late) ditto	ditto,	10736 11 9
"	John J. Durand, (the late) from the 1st of January to the 24th of December, inclysive,		10530 13 3
"	John Cuppage,	Full Year,	10736 11 9
"	Ross Laug (the late,) from the 1st of January, to the 23d of August, inclusive.		6912 11 0
"	Colin Macaully,	Full Year.	10736 11 9
"	The Hon'ble Arther St. Leger, (the late)	ditto,	10736 11 9
"	John Dighton,	ditto,	10736 11 9
"	Sir Thomas Munro, K. C. B.	ditto,	10736 11 9
"	William Macleod,	ditto,	10736 11 9
"	Henry Webber,	ditto,	10736 11 9
"	George Bowness,	ditto,	10736 11 9
"	Jeremiah Simons,	ditto,	10736 11 9
"	Samuel W. Ogg.	ditto,	10736 11 9
"	Sir John Malcolm G. C. B. K. L. S.	ditto,	10736 11 9
"	John H. Symons,	ditto,	10736 11 9
"	Nathaniel Forbes,	ditto,	10736 11 9
"	P. Hayes, on the "Junior List." or Reduced Share, at £543 15s. per annum, from the 1st of January to the 24th of December inclusive, Provided for in Statement No. 2, On the Full Share, from the 25th (vice Durand, deceased,) to the 31st of December inclusive.		205 14 6
"	Charles Rumley,		
"	Thomas Marriott,	Full Year,	
"	Sir J. Doveton K. C. B.		
"	Hamilton Hall,	From the 24th of August (vice Hayes, brought on the Full Share, vice Long deceased,) to the 31st of Dec. inclusive.	
Colonel	James Leith,	From the 25th (vice Graham, brought on the Full Share, vice Durand, deceased) to the 31st of Dec. inclusive.	

On the Junior List, or Reduced Share at £543 15 per annum. — Provided for in Statement No. 2.

Lieut.-Colonel	Charles Farren, Army Clothing Agent,	Full Year,	10736 11 9
Total Amount payable to the Sharers of Fort St. George, Three Lacs, Sixty-five Thousand and Forty-eight Sicca Rupees, Fifteen Annas, and Six Pies,			365048 15 6

BOMBAY.

Lieut.-General	Sir Richard Jones, K. C. B. on the "Senior List," of 1826,	Full Year,	10736 11 9
"	Richard Gore, (the late) Ditto ditto, from the 1st of January to the 8th of Sept. inclusive,		7677 8 0
"	Sir Henry Oakes, Bart Ditto	Full Year,	10736 11 9
"	Thomas Marshall, (the late,) Ditto	ditto,	10736 11 9
"	Andrew Anderson, (the late,) Ditto from the 19th September, (vice Gore, deceased,)	ditto,	10736 11 9
"	Charles Boye,	ditto,	10736 11 9
"	Malcolm Grant,	ditto,	10736 11 9
"	Henry P. Lawrence,	ditto,	10736 11 9
"	Richard Cooke, (the late)	ditto,	10736 11 9
"	Samuel Wilson,	ditto,	10736 11 9
"	John W. Morris,	ditto,	10736 11 9
"	John Skelton,	ditto,	10736 11 9
Colonel	Robert Lewis,	ditto,	10736 11 9
Lieut.-Col. Commandt.	Huge S. Osborne,	ditto,	10736 11 9
	William Roome,	ditto,	10736 11 9
"	Henry, Hessman, On the "Junior List," or Reduced Share, at £543 15s. per annum, from the 1st of January to the 18th of September, inclusive, provided for in Statement No. 2. On the Full Share, from the 19th of September, (vice Gore deceased,) to the 31st December inclusive,		3059 3 9
"	J. Smith, ditto ditto,	ditto,	
"	Corsellis, ditto ditto, from the 19th of September, (vice Hessman, brought on the Full Share, vice Gore deceased) to the 31st of December inclusive,		
Captain	D. H. Bellasis, Army Clothing Agent,	Full Year,	10736 11 9

Provided for in Statement No. 2.

Total amount payable to the Sharers of Bombay, One Lac, Eighty-two Thousand, Five Hundred and Twenty four Sicca Rupees, Seven Annas and Nine Pies,	182524 7 9

RECAPITULATION.

	Sa. Rs. A. P.
Total Amount of shares for Fort William,	440206 1 9
Ditto ditto for St. George,	365048 15 6
Ditto ditto Bombay,	182524 7 9
Total for the three Presidency,	987779 9 0
Lost by fractions	2 3
Grand Total, as per Statement No. 2,	987779 11 3

No. 4.

Statement of the Balance of Shares of Off-Reckonings for the Year 1822, payable to the Sharers of the Presidency of Fort William who are in India, or to the Heirs, Administrators, or Assigns, of those who have died in India

				Sa. Rs. A. P.	Sa. Rs. A. P.
Lieutenant-General	Sir John Macdonald, K. C. B., (the late),	Full Year,		10736 11 9	
	Deduct Advance ordered,			6000 0 0	4736 11 9
"	James Morris, (the late)	ditto,		10736 11 9	
	Ditto	ditto,		6000 0 0	4736 11 9
"	Bennet Marley.			10736 11 9	
	Ditto	ditto,		6000 0 0	4736 11 9
"	Sir Dyson Marshall, K. C. B., (the late),	ditto,		10736 11 9	
	Ditto	ditto,		6000 0 0	4736 11 9
Major General	Sir Gabriel Martindell, K. C. B.,			10736 11 9	
	Ditto	ditto,		6000 0 0	4736 11 9
"	Charles Stuart.	ditto,		10736 11 9	
	Deduct Advance ordered,			6000 0 0	4736 11 9
"	Sir David Ochterlony, Bart, G. C. B., (the late,) do.			10736 11 9	
	Ditto,	ditto.		6000 0 0	4736 11 9
"	Lewis Thomas, C. B., (the late,) do.			10736 11 9	
	Ditto	ditto		6000 0 0	4736 11 9
"	Robert Bourke Gregory, C. B., (the late,)	ditto		10736 11 9	
	Ditto	ditto		6000 0 0	4736 11 9
"	John Arnold, C. B.,	ditto		10736 11 9	
	Ditto	ditto		6000 0 0	4736 11 9
"	George Dick,	ditto		10736 11 9	
	Deduct Advance, paid in England, £750, or.			5741 6 0	4995 5 9
Colonel	Thomas Shuldham, from the 27th of August (vice Haynes, deceased,) to 31st of December inclusive,			3735 12 9	
	Deduct Advance ordered,			2087 10 9	1642 2 0
Captain	Llewellyn Conroy, (the late,) Army Clothing Agent, 2d Division, from the 1st January to the 31st of March inclusive,			2647 6 6	
	Deduct Advance, paid on Monthly Bills,			1506 0 0	1147 6 6
Lieutenant-Colonel	John Lewis Stuart, Army Clothing Agent 2d Division, from the 1st of April to the 31st of December inclusive,			8089 5 3	
	Deduct Advance, paid on Monthly Bills,			4500 0 0	3589 5 3
Total Balance of Off-Reckonings payable in India, on account of Sharers of Fort William, for the year 1822, Fifty-eight Thousand, Seven Hundeed and Forty-seven Sicca Rupees and Nine Annas,					58747 9 0

No. 5.

Statement of Sharers of Off-Reckonings for the Year 1822, payable to the Sharers of the Presidency of Fort William, who are in Europe, or to the Heirs, Administrators, or Assigns, of those who have died in Europe, shewing the sums to be deducted from the Shares of those who have received advances in India.

			Sa. Rs. A. P.
Lieutenant-General	George Russell,	Full Year,	10736 11 9
"	James Dunn, (the late,)	ditto,	10736 11 9
"	James Dickson,	ditto,	10736 11 9
"	George Hardyman,	ditto,	10736 11 9
"	Peregrine Powell,	ditto,	10736 11 9
"	Robert Phillips,	ditto,	10736 11 9
"	Sir Robert Blair, K. C. B.	ditto,	10736 11 9
"	John Macintyre,	ditto,	10736 11 9
"	Henry DeCastro,	ditto,	10736 11 9
"	Samuel Bradshaw,	ditto,	10736 11 9
"	Sir George Wood, K. C. B., (the late,)	ditto,	10736 11 9
"	John Haynes, (the late,) from the 1st of January to the 26th of August, inclusive,		7000 15 9
Major-General	Nicholas Carnegie, (the late,)	Full Year,	10736 11 9
"	John Gordon,	ditto,	10736 11 9
"	Sir Henry White, K. C. B., (the late,) from the 1st of January to the 6th of November, inclusive,		9118 14 0
"	Sir George Sackville Browne, K. C. B.	Full Year,	10736 11 9
"	Walker Dawson Fawcett, (the late,)	ditto,	10736 11 9
"	George Prole,	ditto,	10736 11 9
"	Archibald Fergusson,	ditto,	10736 11 9
"	St. George Ashe,	ditto,	10736 11 9
"	Henry Fox Calcraft,	ditto,	10736 11 9

"	Edward Swift Broughton,	ditto,			10736 11 9
"	Robert Haldane, C. B.	ditto,			10736 11 9
"	Lambert Loveday,	Full Year,	10736 11 9		
	Deduct Advance ordered in India,		6000 0 0		
				4736 11 9	
"	Thomas Hardwick,	ditto,	10736 11 9		
	Ditto, ditto,	ditto,	6000 0 0		
				4736 11 9	
"	George Hanbury Pine,	Full Year,			10736 11 9
"	Littelus Burrell,	ditto,			10736 11 9
"	John Cunningham,	ditto,			10736 11 9
Colonel	Alexander Caldwell, C. B., from the 7th of November, (vice White deceased,) to the 31st of December, inclusive,				1617 13 9
Lt.-Col.-Commdt.	Christopher Sullivan Fagan, Army Clothing Agent 1st Division,	Full Year.	10736 11 9		
	Deduct Advance, paid in India, on Monthly Bills,		6000 0 9		
				4736 11 9	
Total Balance of Off-Reckonings payable in Europe, on account of Sharers of Fort William, for the Year 1822, Two Lacs, Eighty-two Thousand, Six Hundred, and Twenty-eight Sicca Rupees, and Nine Annas,					282628 9 0

No. 6.

Statement of the Balance of Shares of Off-Reckonings for the Year 1822, payable to the Sharers of the Presidency of Fort St. George, who are in India, or to the Heirs, Administrators, or Assigns of those who have died in India.

			Sa. Rs. A. P.	Sa. Rs. A. P.
Lieut.-General	Carey Lalande, (the late,)	Full Year,	10736 11 9	
	Deduct Advance, Madras Rs. 6562 8 0, or		6109 15 3	
				4626 12 6
"	Thomas Bowser,	ditto,	10736 11 9	
	Ditto ditto,	ditto,	6109 15 3	
				4626 12 6
Major-General	John J. Durand, (the late,) from the 1st of January to the 24th of December, inclusive,		10530 13 3	
	Deduct Advance, Madras Rs. 6436 10 4 or		5992 12 6	
				4538 0 0
"	Ross Lang, (the late,) from the 1st of January to the 23d of August, inclusive,		6912 11 0	
	Deduct Advance, Madras Rs. 4225 2 9, or		3933 13 0	
				2978 14 0
"	Sir Thomas Munro, K C. B.	Full Year,	10736 11 9	
	Deduct Advance, Madras Rs. 6562 8 0, or		6109 15 3	
				4626 12 6
"	J. G. Graham, from the 25th, (vice Durand deceased,) to the 31st of December inclusive,		205 14 6	
	Deduct Advance, Madras Rs. 125 13 8, or		117 2 9	
				88 11 9
Lieutenant-Colonel	Charles Farren, Army Clothing Agent,		10736 11 9	
	Deduct Advance, Madras Rs. 6562 8 0, or		6109 15 3	
				4626 12 6
Total Balance of Off-Reckonings payable in India, on account of Sharers of Fort St. George, for the Year 1822, Twenty six Thousand, One Hundred, and Twelve Sicca Rupees, Twelve Annas, and Six Pies.				26112 12 6

No. 7.

Statement of Shares of Off-Reckonings for the Year 1822, payable to the Sharers of the Presidency of Fort St. George, who are in Europe, or to the Heirs, Administrators, or Assigns of those who have died in Europe.

			Sa. Rs. A. P.
Lieut.-General	George Roberts,	Full Year,	10736 11 9
"	Archibald Brown, (the late)	ditto,	10736 11 9
"	David Campbell,	ditto,	10736 11 9
"	John Orr,	ditto,	10736 11 9
"	John Richardson,	ditto,	10736 11 9
"	Daniel McNeile,	ditto,	10736 11 9
"	William Kinsey,	ditto,	10736 11 9
"	Robert Bell,	ditto,	10736 11 9
"	Robert Mackay,	ditto,	10736 11 9
"	Sir Hector MacLean, K. C. B.	ditto,	10736 11 9
Major-General	Gabriel Doveton, (the late,)	ditto,	10736 11 9
"	Sir Thomas Dallas, K. C. B.	ditto,	10736 11 9
"	Alexander Cuppage,	ditto,	10736 11 9
"	Alexander Dyce,	ditto,	10736 11 9
"	Charles Corner,	ditto,	10736 11 9
"	Tredway Clarke, (the late,)	ditto,	10736 11 9
"	John Cuppage,	ditto,	10736 11 9
"	Colin Macaulily,	ditto,	10736 11 9
"	The Hon'ble Arthur St. Leger, (the late,)	ditto,	10736 11 9
"	John Dighton,	ditto,	10736 11 9
"	William Macleod,	ditto,	10736 11 9
"	Henry Webber,	ditto,	10736 11 9
"	George Bowness,	ditto,	10736 11 9
"	Jeremiah Simons,	ditto,	10736 11 9
"	Samuel W. Ogg,	ditto,	10736 11 9
"	Sir John Malcolm, G. C. B., K. L. S.	ditto,	10736 11 9
"	John H. Symons,	ditto,	10736 11 9
"	Nathaniel Forbes,	ditto,	10736 11 9
"	T. Hayes, from the 25th of August, (vice Lang deceased,) to the 31st December, inclusive.		3824 0 9
Total Balance of Off-Reckonings payable in Europe, on account of Fort St. George, for the Year 1822, Three Lacs, Four Thousand, Four Hundred, and Fifty two Sicca Rupees, Nine Annas, and Nine Pies.			304452 9

No. 8.

Statement of the Balance of Shares of Off-Reckonings of the Year 1822, payable to the Shares of the Presidency of Bombay, who are in India, or to the Heirs, Administrators, or Assigns of those who have died in India.

			Sa. Rs. A. P.	Sa. Rs. A. P.
Major-General	Samuel Wilson,	Full Year,	10736 11 9	
	Deduct Advance, Bombay Rs. 6461 2 15, or		6000 0 0	
				4736 11 9
Colonel	Henry Hessman, from the 19th of September (vice Gore deceased) to the 31st of December, inclusive,		3059 3 9	
	Deduct Advance, Bombay Rs. 6841 0 38, or		1709 9 6	
				1349 10 3
Captain	D. H. Bellasis, Army Clothing Agent.	Full Year,	10736 11 9	
	Deduct Advance, Bombay Rs. 6461 2 15, or		6000 0 0	
				4736 11 9
Total Balance of Off-Reckonings payable in India, on account of Sharers of Bombay, for the Year 1822. Ten Thousand Eight Hundred, and Twenty-three Sicca Rupees, One Anna, and Nine Pies,				10823 1 9

No. 9.

Statement of Shares of Off Reckonings for the Year 1822 payable to the Sharers of the Presidency of Bombay who are in Europe, or to the Heirs. Administrators, or Assigns of those who have died in Europe.

			Sa. Rs. A. P
Lieut.-General	Sir Richard Jones, K. C. B.	Full Year,	18736 11 9
"	Richard Gore, the (late) from the 1st of January to the 18th of September, inclusive.		7677 8 9
"	Sir Henry Oakes, Bart,	Full Year,	10736 11 9
"	Thomas Marshall, (the late)	ditto,	10736 11 9
"	Andrew Anderson, (the late,)	ditto,	10736 11 9
"	Charles Boye,	ditto,	10736 11 9
Major-General	John Burke,	ditto,	10736 11 9
"	Malcolm Grant,	ditto,	10736 11 9
"	Henry P. Lawrence,	ditto,	10736 11 9
"	Richard Cooke, (the late),	Full Year,	10736 11 9
"	Deduct Advance in India, Bombay, Rs. 6461 2 15 or,		6000 0 0
			4736 11 9
"	John W. Morris,	Full Year,	10736 11 9
"	John Skelton,	ditto,	10736 11 9
Colonel	Robert Lewis,	ditto,	10736 11 9
Lt. Col. Commdt.	Hugh S. Osborne,	ditto,	10736 11 9
"	William Roome,	ditto,	10736 11 9
Total Balance of Off-Reckonings payable in Europe, on account of Sharres of Bombay, for the Year 1822, One Lac, Fifty-one Thousand, Nine Hundred, and Ninety-one Sicca Rupees, Twelve Annas and Six Pies....			151991 12 6

The Accountant to the Military Department is directed to adopt the necessary measures for paying the Balance due to Sharers in the General Fund of this Presidency. and to adjust any Advances that may have been brought to account in the above Statements.

The Departments of Pay and Audit are further directed to Credit the General Off-Reckoning Fund of the relative year, with the amount Interest exhibited in the Statement now published.

WM. CASEMENT, *Lieut. Col.*
Sec. to Govt. Mil. Dept.

Bombay Castle, 5th October 1826.

No. 285 of 1826.—The following General Order, published at Fort William by the Right Hon'ble the Vice President in Council, is republished for the information of the army of this Presidency.

No. 210 of 1826.—General Orders by the Right Hon'ble the Vice President in Council.

Fort William, 12th September 1826.

Some errors having been discovered in the Off-reckoning statements published in General Orders No. 190, dated the 18th ultimo, they are here noted and corrected, and all order Books are directed to be rectified accordingly.

1st. In Statement No. 1. under head Fort William, for "Reduced share at 543 15 each" rea "Reduced share at £543 15 each."

2d. In Statement No. 2 under head Bombay, for "Vice George deceased." read "Vice Gore deceased."

3d. In Statement No. 3 the first Eighteen Lines under head Fort St. George to be read as follows.

Lieut.-General	George Roberts, on the Senior List of 1822,	Full Year	10736 11 9
"	Archibald Brown (the late,)	ditto,	10736 11 9
"	Carey Laude (the late,)	ditto,	10736 11 9
"	David Campbell,	ditto,	10736 11 9
"	John Orr,	ditto,	10736 11 9
"	John Richardson,	ditto,	10736 11 9
"	Daniel McNeile,	ditto,	10736 11 9
"	William Kinsey,	ditto,	10736 11 9
"	Thomas Bowser,	ditto,	10736 11 9
"	Robert Bell,	ditto,	10736 11 9
"	Robert MacLean,	ditto,	10736 11 9
"	Sir Hector MacLean K. C. B.	ditto,	10736 11 9
Major General	Gabriel Doveton, (the late,	ditto,	10736 11 9
"	Sir Thomas Dallas, K. C. B.	ditto,	10736 11 9
"	Alexander Cuppage,	ditto,	10736 11 9
"	Alexander Dyce,	ditto,	10736 11 9
"	Charles Corner,	ditto,	10736 11 9
"	Tredway Clark, (the late)	ditto,	10736 11 9

4th In the same statement No. 3, and under the same head (Fort St. George) for "Major General P. "Hayes" read "Major General J. Hayes" and under head Bombay for "Captain D. H. Balasis read Captain D. H. Bellasis."

(Signed) W. CASEMENT,
Sec. to Govt. Military Department.

Bombay Castle, 9th October 1826.

No. 290 of 1826.—Lieutenant Colonel W. H. Stanley, 15th Regiment Native Infantry, obtained the permission of the Hon'ble the Governor in Council of Fort St. George on the 22d Ultimo, to proceed to sea on sick Certificate for three months.

Bombay Castle, 12th October 1826.

No. 291 of 1826.—Lieutenant Colonel T. Burford, of the 3d Regiment Native Infantry, is allowed a furlough to Europe, agreeable to the Regulations, for three years, from the date of his embarkation.

No. 292 of 1826.—An order by Lieutenant Colonel Commandant K. Egan, dated the 11th Ultimo, directing the temporary Establishment for a Lock Hospital at Dapoolie is confirmed.

The Senior Assistant Surgeon at the station will take charge of the Lock Hospital.

Bombay Castle, 12th October 1826.

No. 293 of 1826.—Ensign L. M. McIntyre, of the 19th Regiment Native Infantry, and Ensign W. B. Salmon, of the 2d European Regiment, are permitted to exchange Regiments, each going in as junior of the rank.

No. 294 of 1826.—The furlough granted to Captain J. Laing, of the 25th Regiment Native Infantry, on the 30th June 1825, and extended on the 15th May last, is further prolonged for the period of three months, on sick Certificate.

No. 295 of 1826.—The following orders are confirmed.

An Order by Lieutenant Colonel J. Dyson, dated Camp Mhow 7th September 1826, appointing Lieutenant Burrowes 14th Regiment N. I. to act as Deputy Quarter Master General to Malwa Field Force upon departure of Lieutenant Willoughby to join the Poonah Division, untill the arrival of his successor or until further Orders.

An Order by the Officer Commanding in Kattywar, dated Karooka 13th September 1826, appointing Lieutenant W. Maunsell to act as Adjutant to a Detachment of the 5th Regiment N. I. consisting of 400 Rank and File.

An Order by the same Officer appointing Ensign D. Graham, 19th Regiment N. I. to act as Staff Officer to a Detachment ordered to remain in the Field under Major B. Gerrans, and also to take charges of the Treasure Tumbril and Bazar.

An Order by the Officer Commanding the 19th Regiment N. I. dated camp at Jaitpoor 4th September 1826, appointing Lieutenant G. Thornton to act as Adjutant to a Detachment consisting of upwards of 400 Rank and File at Jaitpoor, during the absence of the Head Quarters of the Regiment.

Bombay Castle, 12th October 1826.

No. 296 of 1826.—Ensign W. T. C. Scrivin of the 5th Regiment N. I. is allowed a furlough to Europe, on Sick Certificate, for three years, from the date of his embarkation.

Bombay Castle, 13th October 1826.

No. 297 of 1826.—The following promotion is made.

24th Regiment N. I.

Ensign A. Shepheard to be Lieutenant vice W. Stewart deceased,—Date of Rank 3d October 1826.

No. 298 of 1826.—Major J. Brown of the 25th Regiment N. I. is allowed a furlough to sea on sick certificate, for a period of twelve months.

Bombay Castle, 16th October 1826.

No. 299 of 1826.—Surgeon Glen is appointed to accompany the Hon'ble the Governor on his approaching tour from Poonah.

No. 300 of 1826.—Lieutenant J. Thomas, Barrack Master at Surat, is permitted to be absent at the Presidency on his private affairs during the present month.

No. 301 of 1826.—The following orders are Confirmed.

An Order by the General Officer Commanding the Poonah Division of the Army dated 29th September 1826, appointing Lieutenant C. Hunter, Interpreter 3d Extra Battalion, to act as Interpreter to His Majesty's 20th Regiment.

An Order by the Officer in Command of the Surat Division of the Army, dated 9th September 1826, appointing Lieutenant J. H. Chalmers of the 4th Regiment N. I. to act as Adjutant in the Guzerat Provincial Battalion during the absence of Lieutenant and Adjutant F. Fortune on sick Certificate at Bombay.

An Order by the same Officer, dated 22d September 1826, appointing Lieutenant H. Pelham of the 10th Regiment N. I. to act as Barrack Master at Surat during the absence of Lieutenant Thomas, on leave at the Presidency.

By order of the Hon'ble the Governor in Council
D. GREENHILL
Act. Sec. to Govt.

BOMBAY CASTLE, 19TH OCTOBER 1826.

No. 302 of 1826.—The Honorable the Governor in Council is pleased to direct, that whatever repairs may be ordered to be made to Regimental Buildings, be done by the Engineer Department, and not by the Quarter Masters of the Corps.

No. 303 of 1826.—Major General Sir L. Smith K. C. B., Commanding the Poona Division of the Army, has permission to visit the Presidency on urgent private affairs from the 1st to 30th November next.

No. 304 of 1826—The Honorable the Governor in Council is pleased to accept an offer of his services by Mr. J. P. Malcolmson, Surgeon of the Ship Boyne, and accordingly appoints that Gentleman an acting Assistant Surgeon on this Establishment, for such period only as his services may be required.

No. 305. of 1826.—The following arrangements are made in the Department of the Adjutant General of the army until further orders.

Assistant Adjutant General Captain Leighton, to act as Deputy Adjutant General.

Captain F. M. Iredell of the 16th Regiment N. I., to act as Assistant Adjutant General to the Guicowar Subsidiary Force, during the absence of Captain Leighton.

Bombay Castle, 23d October 1826.

No. 306 of 1826.—The following appointment is made.

15th Regiment N. I.

Liutenant T. Mitchell, Interpreter in the Mahratta Language, to be Interpreter also in the Hindoostance and Quarter-master, vice Jones appointed Adjutant,—date of appointment 16th September 1826.

Bombay Castle, 23d October 1826.

No. 307 of 1826—The Honorable the Governor in Council is pleased to direct that the 3d and 4th Extra Battalions be in future denominated the 1st and 2d Extra Battalions respectively.

No. 308 of 1826.—The following appointments have been made.

5th Regiment N. I.

Lieutenant C. Prescott to be Adjutant, vice Spencer, transferred,—Date of appointment 16th September 1826.

15th Regiment N. I.

Lieutenant C. R. W. Jones, to be Adjutant, vice

(Continued in the Appendix)

BOMBAY.—PRINTED FOR THE *PROPRIETORS*, BY J. E. DE JESUS, IN MILITARY SQUARE No. 3.

WHERE ADVERTISEMENTS, ESSAYS, POETICAL PIECES, ARTICLES OF INTELLIGENCE, &c. &c. WILL BE THANKFULLY RECEIVED.

Gentlemen about to change their stations are requested to give notice to the PRINTER who will pay due attention to their orders.

SUPPLEMENT TO THE BOMBAY GAZETTE.

WEDNESDAY, 1st NOVEMBER 1826.

COURT MARTIAL.

Continued from our last.

The Prosecutor now requests the indulgence of four days to prepare a Reply, and states that he will acquaint the Court on Wednesday next, with the points on which he may think it necessary to offer evidence in support of the reply.

The Court is hereupon closed, and, after deliberation, coneurs in the following opinion.

Lieut. Colonel Williams.

The Court complies with your request, but thinks it necessary to apprize you that the law holds that the Prosecutor has a right, after the Prisoner has gone through his evidence to call witnesses for the purpose of disproving any part of the Prisoner's case, which could not have been anticipated by the Prosecutor in the first instance, or in respect of which it was not necessary for him to advert till it was set up by the Prisoner, but for no other purpose—In conformity to this practice the Deputy Judge Advocate General observed at the Trial of Lieutenant General Sir John Murray—" I submit to the Court the line they would be bound to pursue is this—Admiral Hallowell is entitled to offer evidence to any new matter which has generally arisen out of the defence, or out of the evidence in defence, matters stated in the defence and not proved, or which the Court has stopped, he will have the same opportunity of contradicting in his reply, but as to those new matters which are actually proved in evidence, I suppose the Court will think he is at liberty to call evidence in reply or in case the character of any of his witnesses has been attacked he is at liberty to support that."

In conformity to these authorities the Court has determined that no evidence will be admitted on the reply except such as applies to any new matter which has been given in evidence on the defence, or to re-establishing the character of your own witnesses, if you consider it to have been impeached, or to discrediting the witnesses produced by the Prisoner—But the Court is at the same time of opinion that no new matters has been brought forward by the Prisoner except with respect to the circumstances that occurred on board Ship, and with respect to the inquiries relative to the subject of the 3d Charge made by Lieutenant Eyre—as however, the first of these points does not apply to the Charge, no evidence on it can be admitted unless it is merely intended to re-established or to impeach the credibility of the witnesses—But with respect to the second of these points you are at liberty to adduce any evidence which you may think necessary.

The Court is now opened and the above opinion read.

The Court is now adjourned until Wednesday next, the 16th day of the present month, at 11 o'clock of the forenoon.

TWENTY-NINTH DAY.

WEDNESDAY, 16TH AUGUST 1826.

At a General Court Martial then holden at Poonah pursuant to adjournment,

Present, the same Members as on Friday last.

The Prosecutor now inters on his reply and addresses the Court as follows.

MR. PRESIDENT AND GENTLEMEN OF THIS COURT MARTIAL.

Availing myself of the permission conceded to me by the Court at the last adjournment, I am now prepared to go into an examination of witnesses for the purpose of re-establishing the credit of some material witnesses for the prosecution, and also to impeach the credit of some of the witnesses for the defence, who have deposed to important facts, which I have it in my power to controvert by positive and irrefutable evidence.

Camp near Poonah. J. WILLIAMS,
16th August 1826. *Lt Col. Commg.*
Queen's Royal's.

The Prosecutor now proposes to adduce Ensign Dickson as a witness on the reply with respect to the possibility of Private William Johnstone having been mistaken for William Cooke.

The Court is hereupon cleared and on deliberation are of opinion that if the Prosecutor thinks it necessary to re-establish or impeach the credibility of any of the witnesses, this must be done by *new evidence* and not by the testimony of the very same witness whose evidence it is intended to re-establish or impeach. It is not, however, the intention of the Court to preclude the Prosecutor by this decision from calling for this purpose any witness who may have been already examined, if his evidence applies to the testimony of any other witness except his own.

The Court is now opened and the above opinion read.

Lieutenant Dalway called into Court and Examined on his former oath.

Q. Do you remember the 17th March last.

A. Yes.

Q. Do you remember spending the evening with a party of friends, and, at whose quarters did you meet.

A. Yes, we passed the evening of St. Patrick's day at Mr. Carruther's Bungalow and mine where we lived together.

Q. Was Lieutenant Kennedy one of the Party.

A. No, he was not.

Q. Did you see and speak to Lieutenant Kennedy during any part of that evening or night.

A. We did not leave the Mess until seven oclock, and I am certain I did not speak to him after leaving the Mess that night.

Lieutenant Dalway withdraws.

Lieutenant Carruthers again called into Court and Examined on his former oath.

Q. Do you remember the 17th of March last.

A. Perfectly.

Q. Do you remember spending the evening of that day with a party of friends, and at whose quarters did you meet.

A. Yes, along with me and Mr. Dalway at our Bungalow.

Q. Was Lieutenant Kennedy one of the Party.

A. No.

Q. Did you see and speak to Lieut. Kennedy during any part of that evening or night.

A. No.

Lieutenant Carruthers withdraws.

Lieutenant Meldrum again called into Court and examined on his former oath.

Q. Do you remember a conversation formerly deposed before this Court Martial which took place between Captain McLean, Lieutenant Kennedy and yourself at Colabah.

A. Yes, I perfectly recollect it.

Q. Did you on the next morning, or the day after wait on Lieutenant Kennedy, and beg and entreat him not to mention the conversation of the preceding night to Lieutenant McKenzie, the Commanding Officer.

A. On the next morning I went on Guard, and I never waited on Lieutenant Kennedy nor had any conversation with him on the subject after that night. I never endeavoured to persuade Mr. Kennedy from mentioning the conversation to any person.

Q. Did you see Lieutenant Kennedy with the same intention at any time after the conversation, and if so, when and where did this interview take place.

A. I never had the intention to dissuade him, and I never had since any conversation on the subject with Mr. Kennedy.

Lieutenant Meldrum withdraws.

The Prosecutor here closes his evidence on the reply, and states that his written address is not quite prepared, and the Court is in consequence adjourned until Friday next, at 11 o'clock of the forenoon.

THIRTEENTH DAY,

FRIDAY 18TH AUGUST 1826.

At a General Court Martial then holden at Poonah pursuant to adjournment.

Present, the same Members as on Wednesday last, with exception of Lieutenant O'Brien certified to be sick and unable to attend.

The Court is, in consequence, adjourned until Monday next, at 11 o'clock of the forenoon.

THIRTIETH FIRST DAY,

MONDAY 21ST AUGUST 1826.

At a General Court Martial then holden at Poonah pursuant to adjournment.

Present, the same Members as on Wednesday last.

Read over the Proceedings of Wednesday last.

Lieutenant Kennedy having requested permission to explain a part of the evidence given by him on the defence, is now called into Court, which he addresses as follows:—

MR. PRESIDENT.

In consequence of the evidence given on Wednesday last, on the reply, I beg leave to explain the following answer given by me, when examined as a witness on the defence.

Q. Can you state where I was on the night of the St. Patrick's day the 17th March.

A. Yes, you were with me and Mr. Westby and several other persons, some strangers and some of our own Officers eating sandwiches and drinking brandy and water. I can make no mistake with regard to the night as Lieut. Dalway, and Carruthers spoke of what a jovial night we had on board Ship that night twelve months.

Had I confined myself to the first part of this answer, I would have been perfectly correct, because Lieutenant McKenzie did dine on the 17th March last, with Mr. Westby and myself, and passed the evening with me, Mr. Westby leaving us some time after dinner. But having at the time the strong impression on my mind that a large party had also been present at Mr. Westby's on that night. I inadvertently added some circumstances which upon further inquiry I find did not take place on that occasion. These circumstances however did actually occur but on another evening in March last, as I have no doubt Lieutenants Dalway and Carruthers must themselves perfectly well remember. I trust, therefore, that the Court will believe that this mistake has taken place, intirely from inadvertence and the erroneous recollection of a date, a circumstance so difficult to be remembered, and not from any wish on my part, to deviate in the slightest degree from the strictest veracity.

Nor though the Prosecutor has with so little delicacy thought proper to impeach my credibility on this point, could he assign any motive which could have had any bias whatever on my mind in giving this answer since the three witnesses whom he himself has produced on the Prosecution, have sworn that Lieutenant McKenzie was neither in nor about his Bungalow on the 17th March last.

Lieutenant Kennedy withdraws.

The Prosecutor now addresess the Court in Reply as follows:—

ORIGINAL CHARGES, REPLY.

MR. PRESIDENT AND OFFICERS OF THIS COURT MARTIAL.

It is scarcely to be expected that I should subject myself to the laborious and unprofitable task, of following the Prisoner through all the masses of a most voluminous and desultory address & just as little do I feel inclined to adopt the highly reprehensible example the Prisoner has set me, by the approbrious epithets, vituperative remarks, and virulent invectives, which he has so unsparingly dealt out to a whole body of Officers, at whose head, it is my pride to be placed.

Much of the *Exordium* of this formidable document, appears to my plain understanding, so mystick and figurative, that I am scarcely able to discover any tangible point, that I can encounter in the field of fair argument. I must therefore resign in favor of the Court, the task of decyphering its occult meaning, and discovering its intended application to the case before it.

Amongst the very first observations that have been addressed to the Court, it is gravely asserted that " the Charges" were hastily prepared by the Prosecutor, with a wide latitude of time, place and conjecture.

This wide latitude " I must" leave as I found it, to explain itself, but as to the " hasty framing of the charges," I should have thought my injudicious haste would have supplied the Prisoner with an advantage, of which it is somewhat strange he should now complain.

Soon after this singular complaint, I am represented as " Shuddering to find myself on the brink of a precipice, to which motives best known to myself, had hurried me." Here is a vague and dark insinuation, insidiously levelled at my character, like a dagger guided by an invisible hand! and for what? For no other fault that I am aware of but that of performing a duty from which I dare not to have shrunk.

Thank God, I have not as yet found myself on the edge of any precipice, neither have I had, nor do I expect to have any occasion to shudder, it were well, it were well indeed, if the same boast could be made in that quarters, from whence the remark proceeds.

It is asserted a little further on " that abomination which, in my numerous addresses to the Court, I affect to keep out of sight was my original accusation," and that all my examinations, have directly tended to the production of it. " It is not easy to bear with patience, those false and injurious imputations. Is there I would ask so much as a trace of evidence that can shew those reports, which true, or false, have fastened themselves on the Prisoner's character to have originated with *me?* Is there even any reasonable ground for suspicion much less for belief, that I had any knowledge of the cloud that had so long been gathering over the Prisoners head, until the middle of the month of May last; when the rumours fresh and state became *two* loud, and *too* general, for almost any individual in the community, to remain ignorant of their nature and extent.

Just as little of fairness is there in the attempt to fasten upon the Prosecution, all the odium, of bringing forward the abomination (as it is called) to public view, by the tendency of the examination. There is no one who has given his attention to the progress of this eventful trial, but must have perceived the extreme difficulty of separating the various facts connected with the case, so as to steer clear of those complicated circumstances, that point at a *scandalous*, as well as *undue* intercourse, still, I was not wholly without hope, that some such distinction might be practically adopted in the Examination of the witnesses for the Prosecution.

But the Prisoner himself, by his own act, rendered that course impossible. In his very *first* question to the Adjutant he tore off at once, the veil of delicacy from the subject, by a direct and pointed question which, from its very nature, could admit of *no other* answer than one, in which *this abomination* must unavoidably be a prominent feature!!

The following is an Extract of it.

Question from the Prisoner to Lieut. and Adjt. Littlejohn " State the precise terms as nearly as possible", of the reports you heard to my prejudice " respecting Cooke?"

Answer. " That there must have been a criminal intercourse between you and Cooke."

But we have not far to seek for a motive, quite sufficient to account for this abrupt and early departure from that line which a due regard to decency ought to have prescribed. He let the cloven foot be seen in his letter to me, in which, he has the audacity to menace me with a civil action, And there is but too much reason to suppose he had the same unworthy object in contemplation, with respect to the Officers who have given their testimony before this Court. Many of his questions being pointed exactly like that, which he put to the Adjt. hoping no doubt, the answers he might receive to some of them, could supply a handle for commencing a legal attack, and thus satiate his anger and his avarice at the same time.

The Court are aware that a corps élite of Officers, foreigners to the Regiment, have espoused the Prisoner's cause without any apparent motive other than that of displaying tried and acknowledged talent.

Amongst them are would be Military Lawyers, who have thrown difficulties in the way of the Prosecution, and hampared the Proceedings with Law surpassing any thing heretofore known in a Court of honor, and perfectly inconsistent with the nature of Courts Martial.

These persons must be unacquainted with the customs of His Majesty's service on similar occasions, or, they have wilfully harassed a public Prosecutor, and have endeavoured to attach conduct and acrimony to a Commanding Officer which could not have passed unnoticed by the Court, and which I disclaim as being as unworthy the character of a Soldier, as it would be unchristian like on the part of a man.

Their far Setched similies and quotations from the Drama, and their pedantic words of learned length appear to me, ill placed, and beneath serious notice. And a Court of honor it is to be hoped will not be biassed by the cavils, or opinions of those jurists in uniform who are better skilled in the tactics of the Forum, than the field, and have studied black letter tracts and modern abridgements with more application than the manuvres of Dundas, on the scientific elucidations of that standard work, by the present Adjutant General of the Army ——— If these Officers ever join their respective Regiments, or if they ever arrive at the distinguished rank, I have the honor of holding in the army. I am indulgent enough to hope they will receive more respect in the discharge of their duty, than they have shewn to me in this instance and I hope they will meet with as able supporters in upholding discipline and the honor of the profession, as it has been my good fortune to encounter in this first, and I hope last performance of an ungracious duty.

The difficulty, the delicacy, and the responsibility of the conspicuous part, I was called upon to act, would I am apprehensive have been too much for either my faculties or my feelings, if my Officers had not rallied round me in the moment of exigency feeling but one sentiment and acting as if from one impulse animating me by their applause, and supporting me by their exertions. It ever shall be amongst the most gratifying recollections of my life, that I have found in a body of Officers, a band of friends ready to meet my wishes, and participate in my cares through every stage of this most arduous investigation.

MR. PRESIDENT AND GENTLEMEN,

I have been upwards of twenty one years in the service, and it is my pride to be able to assert, that during that long period, I never before appeared as Prosecutor or witness against an Officer.

As far as regards myself, I will willingly allow the calumnies, and abuse with which I have been loaded to remain with its immediate authors, a consciousness of having performed my duty as Commanding Officer of the Queen's Royals, and as a member of an honourable body, will recompense me for the anxiety, I have undergone, and the reproaches I have met with.

The Officers of my Corps, have not the same oportunity of clearing themselves from the stigmas cast against them, nor does the virulence of the aspersion require them to do so, they join me in disclaiming any malicious wish to criminate the Prisoner. They came forward to support the character of the Corps, and uphold its honor, and have exhibited this feeling by their vote at the Mess Meeting, when assembled to consult on the occasion. This vote was unanimous with the exception of one or perhaps two married Officers, who from their retired habits know nothing of the circumstances or of what was passing among the bachelor part of the Regiment. Even the emphatic silence as it is termed in the defence, of the wavering Lieut. Corney was not adhered to on this occasion as he joined by his suffrage with the almost general vote of exculpation of the Prisoner from the society, of his brother Officers as Lieutenant McKenzie had forfeited their confidence, and had become the object of common animadversion.

For the sake of perspicuity, I am willing to let the first Charge be considered with reference to four distinct heads, according to the division adopted by the Prisoner himself, commencing with the first in point of order which limits itself to " undue intercourse with Cooke while he was a Serjeant"—and altho' the Prisoner seems unable to discover any thing like conclusive evidence as to that fact, there is a mass of evidence on your proceedings, that in my humble opinion goes to establish it to

the satisfaction of any man whose mind is not obstinately shut against conviction. The various proofs of undue intercourse during the voyage out from England, I shall leave untouched for the present. But the Court cannot have forgotten the evidence of Lieut. King, which goes to prove that on the very day that voyage terminated, the undue intercourse that had been carried on at sea, was renewed on shore.

It has been seen that at an unseasonable hour of that night, when every Officer, and I may say Soldier oppressed with the fatigue of landing had retired to rest, Serjeant Cooke appears prowling about in search of the Prisoners residence without the excuse of business, on the pretence of duty. It was but a short time, after this when the residence of the different Officers, were not yet generally known that we find Lieutenant Lyster is awoke from his sleep by the same individual inquiring the way to his patrons quarters, and what renders this occurrence more remarkable. Lieutenant Lyster has told you that this man came in a state of obious intoxication, a proof, if any were wanting that he was under no dread of punishment or even censure, from the person he was seeking.

The evidence of those two conspirators against the Prisoners honor, has some how or other escaped notice in the Prisoners elaborate address, and yet methinks if it, could have been explained away it would look much better on the part of the Prisoner to have done it.

Let us now see what does Private Henry Smith, and what does the immaculate Moses Lintott say concerning this same point of undue intercourse with Cooke while still a Serjeant.

Smith lived with Captain Jackson as servant, who resided in the same house with the Prisoner, from the early part of June until the latter end of August, when questioned "if he knew of Cooke" being in the habit of coming to the Prisoner's quarters as well while a Serjeant as after reduction to Private His answer was "yes several times when he was a Serjeant, and also when he was a Private."

Let us now see how far Smith's evidence on this point is confirmed by the Prisoners faithful servant Moses Lintott to the same question. "If Cooke while a Serjeant was in the habit of coming to the Prisoners quarters, Lintott answered with much greater promptitude than I was prepared to expect," yes, when off duty sometimes twice a day, morning and "evening"—and when he is required to state that "business Cooke had to come so often to his master's quarters," he does not even pretend it was "to cut hair or sharpen Razors." No, no, it was from a very different motive. It was because he was a person fond of a drop of drink, and when he came he was sure of getting it!!

It is clear indeed that the habit of familiarity or indulgence, or intercourse or whatever else it may be called, was so thoroughly rooted in this once promising Soldier, that drunk or sober, he bent his course, mechanically as it were towards the Prisoner's dwelling, as one who considered himself privileged to go there when he pleased and regale with whatever the cellar could supply.

Following the analyses which the Prisoner in his address, has made of the first Charge, I am led to notice the 2nd point, in the order of his arrangement. He commences his argument by representing me (to quote his own words) as attempting to raise a presumption of undue intercourse on a report that Cooke was supplied by the Prisoner with the liquor, which caused his breach of discipline on the 12th July 1825. The Prisoner seems to triumph greatly in the Proof offered by the Serjeant Bluett's testimony that Cooke was already in a state of intoxication when he took charge of the guard, and in my failing to shew he got into that state, by liquor given to him at the Prisoner's house. This fact, it must be confessed, has not been brought home to him thanks to Lintotts stubborn loyalty, and generous devotion to the cause of his master. But let him not flatter himself that he has in this instance got rid of the imputation of undue intercourse in consequence of this failure. Let it be supposed this degraded man got intoxicated elsewere, still we find he instinctively found his way to his accustomed rendezevous, where Lintott the faithful steward supplied him with a fresh potation to complete his debauch and his ruin together,

The supposition I am going to make may be thought somewhat uncharitable with respect to Lintott, but I do affirm it as my conscientious belief that he well knew, but concealed the fact, that this unhapy man began his debauch within the very same walls, in which it is proved to have been completed, when it is recollected that Lintott (as he confesses himself) "had orders to let Cooke have liquor whenever he came." Lintott admits that Cooke came from the Hospital Guard to the Prisoner's quarters about ½ past six in the evening, but nothing could make him tell how long he remained there. "I cannot say the time (says this wily shuffler) but he left me before he was confined". Is this the evedience of a man who wished to speak the truth? He also admits (and that is a great deal from him) that he did not leave it in Cooke's power to say, he had quitted his Guard form nothing, for according to the good old custom of the *manor*, he gave him to use his own expression something to drink "and here the pernicious consequences of undue intercourse are painfully manifest".

The Court must see that whenever he may have got drunk in the first instance, it is allowed on all hands, that when he came in the evening he was not sober. Serjeant Bluett describes him as almost powerless from the effects of liquor. Lintott softens it down to being "tipsy" in either case, it is clear that more liquor could only render his ruin as a Non-commissioned Officer more certain, yet Lintott has told you that more liquor he got. He adds indeed that he gave it to him out of his own head, and not by the Prisoners orders, which may be true as he appears to have been labouring under illness at the time. But unluckily for this part of the Defence, Cooke's privilege of getting something to drink whenever he chose to come for it, rendered any reference to the Prisoner for fresh orders on this occasion quite superfluous. The Court must have noticed how much this witness is afflicted with a frail and fluctuating memory, whenever he suspects there is any latent danger lurking in the question.

It failed him to that degree on one occasion that he was unable to say how many weeks or months he was in the Prisoners service, while the Regiment was at Colabah, when the whole period embraced by the question was not more than from the landing of the Regiment in June, to the month of August following scarcely three months altogether, yet he would not even hazard a guess, how much of that period he spent in the Prisoner's service.

But no sooner does he imagine his memory can be beneficially employed to defeat the object of a home question, than his recollection is awake, and he is able in a moment to rectify a mistake in the date assumed in one of the questions put to him, pouncing on the anachronism with eager haste, and pointing out the 12th, instead of the 14th July, as the correct date, on which two Doctors were in attendance on his master.

In another part of the evidence the fidelity of his memory is also remarkable he is able to state the exact number of leeches that were applied to his masters temples, thus giving proof of attention to numerical accuracy in regard to trifles which few but himself could have displayed.

I may appear to leave to have been hard on this man's testimony, but I own, I find it no easy matter to forget, how I was duped and misled at the commencement of this prosecution, by his artifice and hypocracy, neither can I readily forget the intrepid assurance with which he dared to come to my residence as the confidential agent of the Prisoner to tamper with my servant, and seduce him to betray my circumstances connected with the impending Prosecution, that might transpire in the privacy and fancied security of my own family.

This man has by his duplicity entirely forfeited all claims to character in my estimation, he has evinced by the manner of giving his evidence that his object has been to shape it into that form which might be most favourable to the Prisoner, but it follows as a necessary conclusion, that any fact militating against the Prisoner, which may have been drawn from this staunch adherent, must acquire double force, from its being the production of an unwilling witness.

I believe I might here venture to assume the fact of undue intercourse with Cooke, while yet a Serjeant, as proved to the satisfaction of the Court. But the evidence on that point is not yet exhausted, what was it, I would fain ask that brought Cooke into the Guard house in the Fort of Bombay, when the Prisoner was there on duty; what have we to account for his being found in such a place & intoxicated too! if Lintott is to be credited who admits he gave him some brandy and water as he appears to have thought it his duty to do upon all occasions, we also learn from Lintott's narrative of this unexpected meeting that the pair of boon companions by the Prisoners permission, dined and spent the evening together in social converse, in the Officers Guard Room, untill about 8 o'clock, when Cooke gave his friend Lintott the slip, readily leaving him to return to his Barracks by himself.

The next point which the prisoner proceeds to treat, refers to the occurrences on board ship, during the voyage to this Country the evidence of the different Officers who have examined touching the facts of this part of the prosecution, are thrown, together by the Prisoner into one indiscriminate mass and characterized as mere hear-say evidence scarcely meriting a serious refutation. It is somewhat amusing to see with what address the Prisoner glides over the point. Blank evidence of Lieutenant Cooper and Ensign Dickson respecting Cookes being pampered with delicacies in Lieut. Kennedy's cabin & an important discovery is here made, which entirely upsets the evidence with regard to the fact of hiding the wine and water, where the Colors were kept. This exclaims the Prisoner is an absolute impossibility, as the Colors of the Regiment did not acompany the ship in which I sailed, what a wretched subterfuge presents itself here!! can the Prisoner be serious in supposing that the Colors of the Regiment, could have been meant in this part of the evidence! would the Colors of a Regiment be deposited in the lockers or recesses of the poop exposed to all sorts of injury and abandoned to the mischievous mercy of young and giddy marine boys? No, if the Prisoner wishes to have it supposed that he can be ignorant what kind of Colors were meant, I shall supply him with the needful information, it was not then the highly ornamented and highly appreciated standards of the Queen's Royals. No it was the signal Flags and Colors in ordinary use on board the ship which were deposited in the lockers to be ready at hand for the daily contingencies, that occur in the course of a voyage. From the evidence of nine Officers, my fellow passengers (continues the Prisoner) all declare they never witnessed the slightest approach to intimacy or even familiarity, nor even saw us together. This is certainly somewhat intrepid in the Prisoner, considering how easy his unfounded assertion can be put down. Hear what Lieutenant Cooper says, "he absolutely saw Cooke in the act of eating some kind of tiffin in the cabin, in which Mr. McKenzie was. Here at least is positive testimony touching two facts with respect to which the Prisoner affirms that no proof whatever exists namely familiarity and being seen along with Cooke. Will the Prisoner after hearing that testimony read persist in saying no familiarity has been proved! and that Cooke and he were never seen together, if a soldier sitting down in the same apartment with an Officer and regaling himself with a repast of that Officers providing does not constitute familiarity, and that of a very unwarrantable kind in Military Life: If it does not I am at a loss to know what the term familiarity means. I am really grieved at being thus obliged to trespass to much on the time and patience of the Court, but the broad and unfounded assertions with which the Prisoner's address is replete, compels me to resort to the evidence; only hear what Ensign Dickson says on the score of the Prisoner's familiarity with Cooke, "I have seen the Prisoner talking" very familiarity with Cooke, and giving him tiffin frequently in Lieutenant Kennedy's cabin, and Lieutenant Kennedy was sometimes present and sometimes not. The evidence of Lieutenant Caruthers is too long to quote, but it goes distinctly to prove that if he did not personally witness undue familiarity between the Prisoner & Cooke, he heard it from every mouth, and if he did not actually see Cooke enjoying the extraordinary and Military indulgence of sitting down to eat and drink in the same apartment with a Commissioned Officer, he heard of it on the spot where it took place, fresh after the fact had occurred. There has been much harping on the part of the Prisoner on hear-say evidence, he does not however always object to it, there are not a few pages occupied with the evidence of Lieutenant Kennedy and Lieutenant Eyre, and yet a considerable proportion of the one & the whole of the other, is nothing more than the versions given by these Officers of what others had told them. But hear-say evidence like every thing else, must admit of classification. It must admit of the application of some scale to measure the greater or lesser degree of credit that may comparatively be due to it. It is grown into a Proverb in the affairs of Life that what every man says must be true, if we examine the proof of undue and improper familiarity on board ship, by this test we shall find that every Officer on board, with the exception of the Prisoner's friend Mr. Kennedy, and Major Johnstone, (a man of retired habits and labouring under illness so as to be confined for six weeks at a time to his cabin) either saw or spoke of it. Every Officer I repeat it, either saw or heard, or spoke, and commented on what all appear to have considered an extraordinary at least if not absolutely unwarrantable & improper. How can the Prisoner say that no Officer on board could have seen any thing like familiarity or partiality, or intercourse or whatsoever else he may chuse to call it, between him and Cooke! when it is notorious that the frequent recurrence of one circumstance after another was the original source of those surmises that have been imperceptibly taking increment ever since.

What had not the Prisoner a regular servant in the person of Private Lintott! had not Lieutenant Kennedy a regular servant in the person of Private Hawkin's! could not these two men perform all the duties their master could well have required without calling in the assistance of Serjeant Cooke upon all occasion in direct violation of the known and established usages of the army. Is there a trunk or a box to be fastenned or to be moved. Littott and Hawkins were inadequate to the mighty task; They must be reinforced by the aid of Serjeant Cooke, or the important business must remain undone. Is the Prisoner's bed to be aired, his cantin inspected, his wardrobe arranged—Lintott poor useless animal is incompetent for such delicate duties, none but Cooke the Prisoners factotum, has talent for the task. It is down right effrontery in the Prisoner to rhapsodize in the way he does in his address to the Court—can he shut his eyes to the fact in evidence, that wherever he happens to be, Cooke seems to follow him like his shadow. In the Ship or on shore in his Bungalow, in his Guard Room, Cooke has always some business there let it be in his sober moments or in his more happy ones, at the first note of the Bugle in the morning at the last tap of the Drum at night, there is always some cause or other for Cookes being about the Prisoner or about his dwelling: and yet he defies any one to say there has ever been any thing like undue intercourse between them!

I anticipate what the Prisoner would say if he were now at liberty to stand up and dispute with me. I shall say it for him, I should suppose it would be something like the following: Sir, the principal fact on which you can found any imputation of undue familiarity between me and Cooke is, his having sate down to eat and drink food and liquor of my procuring, in my presence, but the evidence of my friend Kennedy takes the ground from under your feet. The whole superstructure of calumny and malignity falls, I have a triumphant refutation of all that your impotent malice can urge, in the clear, consistent, and positive testimony of Lieut. Kennedy, who has proved as clear as the noonday sun, that Cooke never so much as broke his fast in his cabin nor in his presence. It was the poor helpless, young, sickly Recruit of the name of Johnstone, and as the poor fellow always invariably sat with his back to the door, when he was taking his little mess of chicken-broth, and port wine, that giddy boy Dickson, and the prozing fellow Cooper did not give themselves time to think, but confounded one individual with the other, with their eyes open.

But it is time to be serious, and quote the exact words of the address with reference to Lieut. Kennedy's evidence, "Nay" (say this bold production) "the matter is placed beyond the possibility of doubt by the testimony of Lieut. Kennedy, and after hearing his evidence can there remain the least question that both Lieut. Cooper, and Ensign Dickson have confounded Johnstone. The object of Lieut. Kennedy's kindness, and humanity with Cooke the unfortunate and departed subject of these horrible insinuations; my version may have been a little more poetical, but is wonderful after all, how nearly the real, and imaginary addresses approach each other in substance.

Does then Lieut. Kennedy's testimony really carry with it all the weight ascribed to it by the Prisoners address! Is it then in reality calculated to have that magic influence on the minds of the Court which appears to be anticipated by the Prisoner! I am bold to say, without any fear of committing myself, that it cannot claim credit to the degree that is here assumed for it. It is here we find an astonishing discrepancy indeed, and that not with regard to a slight, and immaterial circumstance, but with regard to a fact of paramount importance which forms the very basis, on which much of the evidence of undue intercourse stands for support. I will not take up the time of the Court, in recapitulating the evidence of the witnesses Cooper, and Dickson. The Court will ere long hear it read with closed doors, and they will then see, if peradventure they have not already seen, that both these officer's contradict the testimony of Lieut. Kennedy, with respect to the identity of Cooke in a manner so flat, and unqualified that I can see no way of reconciling their evidence a mistake to say the least of it does exist some where, and it is for the Court to decide the painful question who is to bear the odium of it.

It had almost escaped me that Private Hawkins is made to say in the Prisoners address, that Cooke never partook of a repast in Mr. Kennedy's cabin during the whole voyage. If he says this, the minutes I have taken of his depositions are egregiously incorrect.

Here I have again to crave the further indulgence of the Court while I read a few Exracts from the evidence of this witness.

Q. Do you remember a young recruit on Board named Johnstone.

A. I do.

Q. Did Lieut. Kennedy take any care of some him when he was sick.

A. He did, sometimes he would *send* him chiken-broth.

Q. Did he ever eat his broth in Lieut. Kennedy's cabin.

A. Not to my recollection.

Q. Have you ever seen Cooke in Lieut. Kennedy's cabin.

Q. Yes.

Q. Did I ever give Cooke any thing to eat or drink except Mr. Kennedy was present.

Q. No. Mr. Kennedy was always present.

The Third point that presents itself in the division of the 1st Charge according to the Prisoners own arrangement refers to Cooke's breaking his arrest on the night of the 14th July, and remaining till 4 o'clock in the morning in the Prisoner's Bungalow. The fact of breaking his arrest, and remaining absent from his Barracks untill that hour seems to be admitted on all hands, but when he went, or in what place he was secreted, still remains a question.

Direct and positive testimony to shew he was all this time at the Prisoner's quarters, is certainly wanting but combining all circumstances as well anticedent as subsequent to this conjuncture the probability that he was there, and no where else, became so strong as scarcely I think to leave a rational doubt on the subject. It is in this stage of the address that the Court is solemnly called upon to lend their attention to a discrepancy which has been stated by the Prisoner to exist between the evidence of Lieut. and Adjutant Littlejohn, and that of Serjeant White. That Officer has deposed to his having given orders to report if Cooke absented himself from his Barrack, and that the Serjeant did report his absence—In consequence of which he gave orders to a Serjeant, to sit up until Cooke's return, and report when he came, now, if the evidence of those two witnesses be compared, I believe this astonishing discrepancy, as it is emphatically called, will be-

come reduced to the single circumstance of having reported or not reported Cooke's absence when it was discovered. Serjeants Whites evidence corresponds exactly with the Adjutants as to the fact of orders having been given to report Cooke's absence. He also expresses himself in a manner that implies as forcibly as words well can do, that he received orders to sit-up until Cooke's return.

If my minutes of the evidence of those witnesses be correct as I have reason to believe they are, Serjeant White's words are as follows.

The question that preceded was, Did Cooke break his arrest! The answer was "He" did I was ordered by Adjutant Littlejohn to report him if Cooke quitted his Barracks, I went down the room to see if he was in his bed, at about ½ past 10 o'clock on or about the night of the 14th July. I received a reply from one of the men that he was gone to the privy. I made answer that I was obliged to sit up for him until he returned to his Barracks. I called at his birth once or twice more. He was not in at 12, I was determined to wait up to see if he would return, I neglected doing so, having laid down and fallen asleep. In the morning about 4 o'clock, I heard one of the men say, Bill is come in, I reported the circumstance the same morning to Mr. Littlejohn and was censured for not reporting to him as soon as I found Cooke was absent.

Now when Serjeant White tells the soldier to whom he was speaking, that he was obliged to sit up until Cooke should return, is it not clear to any unprejudiced mind that his words must have had reference to some order he had received to that effect? elsewhere lay the obligation to sit up. To spend an entire night of wakeful vigilance is not a very agreeable duty, nor such a one as any man would voluntarily impose on himself, and his expressing a determination to sit up is a confirmation rather than a contradiction of his acting under orders.

Here then all the discrepancy we can discover is, that Mr. Littlejohn says Cooke's absence was reported to him, and White says that he did not make the report that night, and he was censured for the omission.

But the fact is that Serjeant White was censured by the Adjutant for going to sleep, and in consequence not reporting the precise time of Cooke's return as he had been ordered to do.

This monstrous discrepancy in the elucidation of which so much industry has been employed is made to furnish a ground for a virulent attack on the honor and reputation of Lieutenant and Adjutant Littlejohn on the slight and unimportant circumstance to which I have alluded of twelve months standing, a broad insinuation is thrown out that he has committed the crime of perjury in his eagerness to fix a disgraceful suspicion on the Prisoner. And the same base imputation occurs again with aggravated virulance a very few pages further on. The manner of giving his evidence is contrasted with that of Serjeant White with the invidious view of elevating the latter at the expence of the former. Is the Court prepared to adopt this injurious, this slanderous construction of a circumstance which proved or disproved could but very little affect the merits of the case.

Can any thing be more malevolent and cruel than an endeavour thus to stigmatize the character of an officer of unblemished honor and acknowledged integrity by an imputation so infamous as that of a deliberate disregard to the sacred obligation of an oath.

Since the period of my first entering the service I can solemnly aver that I have never met an officer who possessed a nicer sense, of honor, nor one on whose word, under any circumstances, I should sooner rely. I can almost pity the individual who in his search after materials for his defence is driven to the heartless expedient of mangling a respectable officer's character, for the sake of a miserable advantage, which although obtained in its fullest plenitude could weigh but as a feather in the scale, when opposed to the proofs that are producible against him.

I have now accompanied the Prisoner as far as the second head into which he divides the first Charge viz. That after Cooke was reduced to a Private, the Prisoner persevered in an undue intercourse, altho' cautioned on the subject and ordered repeatedly to discontinue such conduct by desire of the Commanding Officer.

Now the Prisoner's defence to this branch of the Charge, is, that he got no caution nor order to desist from his intercourse with Cooke, and the conclusion he appears to draw is, that as long as he was not cautioned or ordered to dismiss Cooke from his house and his patronage, it was quite lawful for him to go on, in the old way as he had done, during the voyage, keeping Cooke as an appendage to his establishment, as a kind of valet in second for good Moses Lintott was still borne on the strength of the Prisoner's household.

The Prisoner has cause to blush when in his public address read before this Court, he admits that Cooke was occasionally at his quarters, after the refusal! only hear! after the refusal to his application to be permitted to take him as a servant.

This is indeed, a disgraceful admission it is difficult to conceive how the Prisoner could be induced to commit to paper such a record of his own unworthiness. Was not the anger I expressed when the Prisoner made his application for Cooke, enough to convince him there must be a gross impropriety in having the man about him at all? Did the solemn measure of my sending the Major of the Regiment, to remonstrate with him leave no impression on his mind? Did not the Adjutants Official message aided by his friendly exhortations, remove the film from his eyes? Does he wish to renounce all claim to common feeling or common perception by affecting to see nothing wrong or reprehensible in persisting in any kind of intercourse. No matter how slight with a man on whose account he have fallen under the heavy displeasure of his Commanding Officer which he was glad to deprecate by an abject and humiliating confession of his fault, in a letter addressed to me which with the permission of the Court, I shall read.

Colaba July 24th 1825.

Sir,

It was with the greatest concern that I was this day informed by Major Johnstone of your displeasure at my general conduct, and particularly at my having addressed my note of yesterday to you, allow me, Sir, to assure you, that I regret extremely, having given you so much trouble, and I trust that you will consider whatever I have done to incur your displeasure, as proceeding more from ignorance than from wilfulness, with regard to the note, which I unfortunately wrote to you yesterday, I have only to give you my word of honor, that it was merely written to solicit a favour, and that I had not the most distant wish or intention of opposing you, or flying in the face of your orders, I trust Sir, that regret for having unintentionally given you so much trouble, and my assurance of doing all in my power to try, to regain your good opinion, will induce you if possible, to forget what has passed, It only now remains for me to assure you, that I am incapable of wilfully hurting the feelings of any person, but more particularly Mr. Littlejohn's as I not only respect and esteem him, but also consider myself obliged to him.

I have the honor to be
Sir.
Your most obedient servant
(Signed) GEORGE McKENZIE.
Lieut. Queen's Royals,

To.
COLONEL WILLIAMS
&c. &c. &c.

The Prisoner if I am to judge from the disgraceful arguments he employs in his address, seems perfectly reconciled to the inherent obloquy of admitting into his house a man whom he dared not presume, to employ openly as a servant if he can but plead the absence of any specific order or caution to prevent him. His maxim seems to be that whatever is not forbidden by law must be lawful.

It is realy lamentable to see an Officer reduced by his own misconduct, to the disreputable alternative of defending himself by such a subterfuge.

However in order to meet the Prisoner on his own ground, I shall endeavour to bring to his recollection some prohibiting orders with regard to Cooke, which on any man who was not labouring under the influence of infatuation ought to have operated as a salutary warning.

In the first place by recurring to the clear and pithy evidence of Major Johnstone, it will be seen that among other topics of expostulation, resorted to at his interview with the Prisoner one was the impropriety of his conduct in requesting to have this man as a servant after he had been ordered to send him away.

Next comes Lieutenant Littllejohn's caution as recorded in your proceedings, which was delivered in terms so solemn and impressive as to amount almost to adjuration.

Then I myself in answer to a question from the Prisoner, declare on my oath that I ordered him not to allow Cooke to enter his quarters, and in the very next half dozen lines of his address, after quoting this very answer he coolly asserts, that my sole and only communication to him respecting Cooke, was to express my displeasure at his wanting to take him as a servant. It is really sickening to be obliged to wade through the sophisms, subtilties and falsehoods with which the Prisoner in this part of his address, tries to blink the question of undue intercourse. Cooke it seems does come occasionally to his residence, and yet there is no intercourse. Then if any thing like intercourse does exist it is not in disobedience of any order given to him by his Commanding Officer, and therefore there can be nothing unbecoming a Gentleman in it.

The Prisoner winds up this fine chain of reasoning by complaining of all the great hardship he labours under from the absence of all his friends, by death or departure for England, among those whose absence he deplores, I find the names of Captains Warings and Jackson. The first he tells the Court, selected Cooke to act as his servant on the evening of his small party, and Captain Jackson lived for sometime with him in the same Bungalow at Colabah. Now the Court has only to turn to the evidence of Captain Graham and Head, to see how very little favourable to the Prisoner, Captain Warings sentiments were, and as to Captain Jackson who is complimented by the Prisoner in a strain of high panegyric. If I am to credit the evidence of Lieut. King which appears in your proceedings, and who is still here to contradict any misstatement. Captain Jackson and the Prisoner altho' forced from the scarcity of quarters, to sojourn under the same roof, were hardly on speaking terms during the time they lived together at Colabah and if any intimacy did subsist between them, it must have been of very rapid growth, and arose from the circumstance of their being forced into contact, as Members of a General Court Martial, that was held at this station prior to the arrival of the Regiment.

So easy is it to say whatever we please of the dead, or the absent.

But what need has the Prisoner to bewail the absence of friends, has he not in Lieutenant Kennedy one friend, who is worth a whole host of your holiday friends who deal in mere profession.

In replying to this part of this address, I am obliged to glance lightly over the Prisoner's description of a dying scene in which Lieutenant Kennedy receives with Cookes last breath, the expression of his thankfulness and gratitude for the prisoners kindness, and this I do in order that I may the sooner arrive at an *Episode*, giving an account of that Officer having been driven back by stress of weather *after* the Ship had sailed by, "a *most miraculous interposition* of *providence*," that the Prisoner might not be deprived of the benefit of his evidence at this Court Martial. There is some good *scene* painting in this part of the address; describing "swelling sails; and anchors *in*, and *out* of the ground." The Ship sails a *second* time, with Lieutenant Kennedy on board; so that this *first* miracle, had well nigh proved *abortive*; however, providence was *still* at work, and most *fortunately* for the Prisoner, the Commander in Chief's summons "at *his* instance; (the Court must bear in mind,) at the *Prisoners* instance, was safely delivered into Lieut. Kennedy's *own* hand; and he arrived *just* in time to serve his friend, at the *very moment* he was most in need of his assistance."

I am *not* the *first* man, who has been robbed of the merit of what he has done, by those who have had no share in the business.

What will the Court say when I tell them, that *I* am the author of *this very* miracle. "It is to *me* and *not* to the *Prisoner*, that the merit of bringing back Lieut. Kennedy is *really* due.

I hold in my hands undeniable proofs of what I now assert, and with permission of the Court I shall give a short narrative of the transaction as it occurred, about the close of the month of May I had every reason to believe Lieut. Kennedy was on the eve of embarking for Europe. I was to the full as desirous as the Prisoner himself could be, to know what that Officer could say on the impending Court Martial, accordingly on the 4th of June, at 4 o'clock my usual hour for dispatching letters, I wrote off to Bombay to have him detained. So fearful was I of missing my object by delay that I stepped over the customary forms, & addressed my letter direct to the Brigade Major of Kings Troops Bombay instead of sending it through the Major General Commanding the Division of the Army.

About 6 o'clock the same evening (as appears by my own Memorandum on the back, I received a letter from the Prisoner to be forwarded to the Major General, soliciting the detention of Lieut. Kennedy, according to the Prisoner's request. I forwarded his letter that very night, and next day the 2d, I received a letter acknowledging it. In one word my letter to the Brigade Major reached Bombay on the 3d, on the 4th, it was dated, & on the 5th I received an official reply informing me that Lieutenant Kennedy was detained in conformity with my desire. There are the letters let them speak for themselves.

No. 1.
(Copy.)

Camp near Poonah,
1st June 1826.

Sir.

I have the honor to request you will obtain the Commander in Chief's sanction for the detention of Lieutenant Kennedy, Queen's Royals, now in Bombay, and about to proceed to Europe on leave of absence, as the evidence of that Officer is indispensible on the trial of Lieut. McKenzie, Queen's Royals, about to take place.

I have the honor to be &c.
(Signed) J. WILLIAMS.
Lieut. Colonel.
Commg. Queen's Royals.

A true Copy.
J. WILLIAMS.
Lieut. Colonel.
Commg. Queen's Royals.

The Major of Brigade K. T.
&c. &c. &c.
Bombay

No. 2.
(Copy.)

Head-Quarters.
Bombay 5th June 1826.

Sir,

I have the honor to acknowledge the receipt of your letter of the 1st instant, and to acquaint you that Lieutenant Kennedy of the Queen's Royals, has been detained pending the trial of Lieutenant McKenzie of the Regiment under your command.

I have the honor to be &c.
(Signed) G. MOORE.
Major of Brigade K. T.

A true Copy.
J. WILLIAMS.
Lieutenant Colonel.
Commanding Queen's Royals.

To
Lieut. Colonel Williams
Commanding Queen's Royals
Poonah.

No. 3.
(Copy.)

Camp near Poonah.
June 1st 1826.

Sir,

Anticipating that the prayer of my memorial addressed to you, will be acceded to by his Excellency the Commander in Chief, and that a public investigation will be instituted into the base and unfounded aspersions thrown upon my character of which I have therein complained, I deem it necessary to acquaint you, that the testimony of Lieut. Kennedy of the Queens Royals will be indispensible to my own vindication as well as to the conviction of my unprincipled calumniators, whenever they shall be discovered; and as Lieut. Kennedy is now at Bombay preparing to depart for England, I have the honor to request that you will take such measures for his detention as you may deem necessary in order that I may have the benefit of his evidence, and that the cause of justice may not suffer from his absence.

I have the honor to be &c.
(Signed) G. MCKENZIE.
Lieut. Queen's Royals.

A true Copy.
J. WILLIAMS.
Lieut. Colonel.
Commg. Queen's Royals.

Major General
Sir Lionel Smith K. C. B.
&c. &c. &c.

No. 4.
(Copy.)

To
Lieutenant Colonel Williams
Commanding the Queen's Royals.
Poonah.

Sir,

In acknowledgement of your letters of yesterday's date with various inclosures from Lieutenant McKenzie from the Regiment under your command, I am directed by the Major General to acquaint you for the information of Lieutenant McKenzie, that his letter to the Major General's address, requiring that Lieutenant Kennedy should be detained in the country, on Lieutenant McKenzie's expected trial, will be duly submitted to his Excellency the Commander in Chief.

I am also commanded to acquaint you that Lieutenant McKenzie's disrespectful letters, to your address, as his immediate commanding Officer, and in one of which he threatens you with a civil prosecution though he had demanded a military investigation, have been duly laid before the same high authority.

I have the honor to be &c.
(Signed) J. COOKE.
Pr. Interpreter.
For the Asst. Adjt. Genl.
P. D. Army.

Head-quarters P. D. A.
Camp Poona, 2d June 1826.

A true Copy.
J. WILLIAMS.
Lieutenant Colonel.
Commanding Queen's Royal.

Now the Prisoners letter on the same subject is not acknowledged until the 2d and it does from his Campar Loonee; and admitting (which is doubtful) that it may have been dispatched that very day, still it could not have reached Bombay sooner than the 4th, which would have been just *one* day *too* late! Hence the Court will see that it is *I* and *not* himself, the Prisoner has to thank for having the benefit of his friends evidence on this occasion so much for miracles.

That part of the Prisoners address which immediately follows the detention of Lieut. Kennedy is occupied with a pathetic picture of the Prisoner's forlorn situation, and agonized feelings. I am willing to leave him the undisturbed enjoyment of all the advantage it can procure for him while I proceed in search of whatever I can find in the shape of argument, and this procedure conducts me to what the Prisoner denominates the 3d branch of the Charge; which refers to his persisting in an undue intercourse with Cooke after he had pledged his word to the Adjutant of the Regiment that such intercourse should cease. "But says the Prisoner" if *I* have satisfactorily shewn, that *no* such intercourse existed, it must necessarily follow, that *my* having pledged my word to *discontinue* it must be an *absolute* impossibility; and therefore, *only mark* the *words*. "The evidence of Lieutenant Littlejohn to this point, can be entitled to *no* credit whatever"!!!

So then the Prisoner conceives he has satisfactorily shewn that *no* intercourse *has* existed; and on *this* assumption, he *dares* to add. "That an Officers oath is entitled to *no* credit whatever I do not wish to utter one harsh word against the Prisoner, if I can possibly avoid it. His situation cannot be comfortable. But my patience almost fails me here; and the last I think, I *can* say is, that the Prisoner has evinced the most hardened audacity in making such an assumption. Does the Prisoner wish the Court to reject at *his* word of command, the evidence of Lieutenant and Adjutant Littlejohn, who positively deposes to the Prisoners having pledged his word "that he would have nothing more to say to Cooke." This must have been about the 24th of July of last year, when he had just applied to me to have Cooke as a servant. Now even in his address, where he admits and denies whatever he likes, he does *not* deny that Cooke may have *occasionally* paid him a visit; but this is not *intercourse*, "he will say. What *is* intercourse then? Perhaps he will not allow it to be intercourse, when Serjeant White paid him a *Domiciliary* visit, about the middle of August last, and found Cooke washing plates and glasses in his house, at 11 o'clock at night. This little instance of *intercourse*, the Prisoner appears to have left in the Inkstand, when he was penning his exculpatory address. I hope also, for the sake of common modesty, he will admit that something *like* intercourse may be discover-

ed in Cookes attending table, when Lieutenant Raitt and Robertson tiffed with him.

A bold attempt has been made by the Prisoner to get rid of this unwelcome fact—and how does he do it? why, by opposing the evidence of such a being as Lintott to that of Lieutenant Raitt !! Can the Court for one moment, let the idea cross their minds, that this young Officer, whose father, grand father, and even great grand father, have successively worn the same uniform, that *he now* wears himself, would be so base and abandoned, as to invent the caution he swears to his having received from the Prisoner, on that remarkable occasion? ho! but "he may have mistaken" Lintott for Cooke, as he never saw Cooke "before" he says the same thing himself; but if he did not know *one* face from the *other*, he could surely distinguish *one* name from the other; and Cooke and Lintott, certainly do not sound much alike,—ho! but that is nothing there is Mr. Kennedy's evidence to shew that Cooke went into hospital *upwards* of *three* weeks before his death, which happened on the 6th of October. Why not make it a month at once, and then, Lieutenant Raitt must retire from the field. It is a pity. It is a great pity, that Lieutenant Kennedy does not pause a little, when he is giving evidence on his oath, here is what will shew Lieutenant Kennedy his mistake, and fix the precise period, Cooke was actually in hospital. He was admitted the 13th of September, and discharged the 29th of the same month, making a period of just 17th days after his discharge, he remained out of hospital untill the 6th of October, just seven days, when he was readmitted, and died the same day, one observation more, and I have done with this affair. The reason why Lieutenant Robertson was not produced before this Court, as well as Lieutenant Raitt, is, because at that very time, and for some days prior, and subsequent to it, his life was considered to be in the utmost danger. So the Court will see the gentle hint so kindly thrown out here by the Prisoner to shew a reluctance on my part to hazard the effect of his examination leaves no sting behind it.

I have just had an occasion to remark that it is a pity Lieut. Kennedy has not given himself the trouble to pause a little, while giving his evidence on oath. That peculiarity in the manner of giving evidence, with which, in the instance of Lieutenant and Adjutant Littlejohn, the Prisoner has found so much to blame, would have been of the most essential use to the Prisoner's friend, and might have spared him the mortification of seing his evidence impeached before his face, and his mistatements exposed to the severity of public animadversion. His eagerness to assist his friend, may be laudable; but it ought not to have made him loose sight of what was due to his own reputation. He, was indeed, a happy sample of that *bold, free, straight, forward unhesitating* manner of dashing through details, to which the Judge Advocate General, in his demi-official letter to that Officer, records the meed of approbation. It has been my painful, but unavoidable duty, to make it appear to the Court, that Lieutenant Kennedy has allowed his intemperate head long zeal, to betray him into inaccuracies so gross, that even charity itself, cannot, but with great difficulty, believe them all to bave been purely accidental.

Those portions of Lieutenant Kennedy's evidence to which my remarks are intended to apply, are not confined to minute circumstances or matters of trivial consequence, with regard to which, his recollection might be supposed to have failed. No they include facts of magnitude and vital importance, capable of giving from their weight a decisive, and unfair preponderance to the balance of evidence, which possibly might otherwise remain suspended in some degree of doubt, a short epitome of Lieutenant Kennedy's inaccuracies or discrepancies (to borrow a favorite term) will place in a conspicuous light the mischief his evidence might have done, if it had been allowed to remain on your proceedings without the wholesome, but better corrective of contradiction.

After detailing with circumstantial minuteness, the conversation at Colabah between himself, Lieutenant Meldrum, and Captain Macican, he states that the former Officer, came to him the next morning, and after reiterating his disbelief of the reports discussed the night before he almost conjured him, not to mention the subject to the Prisoner. The Court has heard too recently to be forgotten, what Lieutenant Meldrum says to this,

He gives it a flat negative; neither on that morning, nor the next, nor yet the next, did he call, for after that night, he never met Lieutenant Kennedy until he met him in this very room. He tells you more, which the Prisoner must have heard with a pang of mute despair, that he never had a wish to have the subject of that nights conversation either concealed or suppressed.

Let the Prisoner and his friends, go now and talk of discrepancies, but I have not done yet. They were illiberal and unsparing, when commenting on the evidence of Lieutenant Littlejohn they threw the first stone, and set the illaudable example of bitter sarcasm and corrosive remark, let them now write under the last of just retaliation. If the decision of the Court, to which I bow with deferental respect, had permitted the rexamination of Lieutenant Cooper, and Ensign Dickson, they would have confirmed the fact of Cooke's sitting, eating, and drinking in Lieutenant Kennedy's cabin by a detail of new and striking circumstances. They would have expressed their indignation, at the subterfuge of supposing them to have confounded the identity of Johnstone and Cooke the one was exhausted and double with disease the other a slightly well set up Soldier. They would have added another drop to the bitter draught, they would have added another most impalatable ingredient, they would have told you, that both the Prisoner, and Lieutenant Kennedy called them familiarly back, on two distinct occasions, when, after unexpectedly entering the cabin, they were in the act of retiring to avoid witnessing so very improper a scene as then presented itself to their view. I have more in store yet, and I am only sorry that Lieut. Cooper is not at liberty to come before you and detail it himself on the very day that Lieut. Kennedy gave his *clear, manly unhesitating* testimony in this Court, he called on that officer in the evening "Well Cooper (said he)" I'm off to morrow I have "given my evidence to day, and I told them I felt convinced that you were mistaken as to the person of Cooke as it must have been Johnstone you saw in my cabin." I am sorry you did so was the reply for as to a mistake, it is altogether out of the question. What was Lieutenant Kennedy's rejoinder to this? "Good bye Cooper I'm off" and then clapping spurs to his horse, he was as good as his word, had he not been stopped by the intervention of authority he would have left cantonments the following morning.

What does Lieutenant Carney say about the cabin scene? Why he mentioned to Lieutenant Kennedy some four months ago what he had heard of that affair, Lieutenant Kennedy paused a while (he did not do so, when speaking of the thing here) and when he had arranged the matter with himself, he replied "oh I have it now it was poor Johnstone they must have seen," but here as ill luck will have it Lieutenant Kennedy in the evidence of his own servant. Hawkins meets with any thing but support. That witness has deposed that he has known chicken-broth to have been sent to Johnstone, but to his recollection he never had it given to him in the cabin, not so with Cooke, he has had that or something else given to him, in the cabin more than once and what is still worse, Lieutenant Kennedy was present, and saw him get it, all this is strange to say the best of it. But the climax of discrepancy is crowned by that singular *alibi*, that has been proved by Lieutenants Carruthers & Dalway, which involves a contradiction so gross, so prominent, so palpable, that there would be some danger of weakening its force by the addition of a single remark!!!

Somewhere about this stage of the Prisoners defence, several pages of it are occupied by a second attack upon Mr. Littlejohn's credit as a witness. The Court is already in possession of my opinion concerning that Officer, and altho' I could say much on the wickedness of thus attacking his character for barely doing his duty there will be dignity I think in treating it with scorn! The Prisoner having glutted himself with vituperation against the Adjutant, proceeds to examine the concluding paragraph of the first charge, which has reference to the reports highly disgraceful, and prejudicial to the Prisoner's character among the Officers, and men of the Regiment; as the necessary result of the Prisoner's misconduct. He makes this part of his address, he vehicle of much virulence of remark, levelled indiscriminately at every Officer who has been examined before the Court on the part of the Prosecution.

Never has there been any thing averred in a charge, more fully, and clearly established, than the existence, the frequency, and I would almost say, the universality of those disgraceful reports.

I do not go the length to say, God forbid I should, that they are *well founded*; Let the Prisoner or his friends assume them to be *false*, I have no interest that can be served by proving them *true*; It is enough for me, that *proved*, or *disproved*, *merited or unmerited*, *false* or *true*; they *did*; and *do* exist; and so general has been their dissemination, thro' the Regiment; that it is next to impossible to suppose the Prisoner, could have remained so long altogether ignorant of what was in every ones mouth. The Barrack room, and the canteen; as the Court has heard from witness after witness, become the theatre for discussion; The Prisoners kindness for Cooke was the subject of general remark the bitter jests; and cutting sarcasms were handed round. The unfortunate man himself was not spared, he had contumely, and reproach frequently thrown in his face, If as the Prisoner would insinuate; there has been a foul conspiracy, organized against his honor, and character, there certainly *never was* a conspiracy with *so* many accessaries, and yet in the face of all this, the Prisoner gravely tells the Court in his address "*there never has been* any undue intercourse between *him* and Cooke! If there was, where are the Proofs of it? The Prisoner is indignant against the whole body of Officers, because he could not find out from any of them, where the reports, affecting his character, first sprung up. It is the case with all reports, that have taken deep root, and have had time to spread; as an accidental spark may produce a conflagration; so report like water evidence from its source.—Those reports, and insinuations that are now, and long have been so general may have had there origin in some obscure hint, or unmeaning jest, and if I were to hazard a conjecture on the subject; I should say the first seed that has produced all this mischief must have been sown on board the Ship, and most propably among the men; for Soldiers are often found to be watchful observers of the conduct of their Officers; and I doubt not critisize it pretty freely amongst themselves. The idle hours, that occur in the course of a voyage to this country are also favourable to the invention as well as the propogation of scandal, and who that has heard the evidence given before this Court, but will say that the Prisoners intercourse or constant kindness towards Cooke in the course of the voyage however innocently meant was such as to furnish ample meterials for hint and, joke, and anecdote at the Prisoners expence.

And indeed all this is in the natural order of cause, and effect! Is there a man in or out of this Court who does not know that acting in the manner the Prisoner has done they would ential upon themselves the very same misery of which too late he has at length become painfully sensible.

Amidst the wide spread range that these reports or rumours have taken the circumstances most puzzling to me is how the Prisoner can plead as he does his total & absolute ignorance of their existence; can it be that in such a length of time there has been nothing to address itself to the eye or the ear? Has not some observation or low whisper served to awaken animosity or excite alarm? Has no man nor woman nor child by word or work or gesture made a demand on his attention or afforded some inkling of the liberties every one was taking with his character? It is a matter of surprise that even Cooke who had cutting insinuations thrown out in his hearing who must have known the odious nickname by which he was stigmatized amongst his brother Soldiers; should bear it all with stone tranquility; never seeking any opportunity of informing the Prisoner of the insults offered to himself in the person of another. But no. He does not appear to have uttered any complaint to the Prisoner of insults that ought to make a man's blood boil altho' he could have no kind of doubt of the Prisoners disposition to be friend him.

As to the Officers not having made any communication to the Prisoner of what they may have heard against him it is not so much to be wondered at. The Prisoner knows well that very few of the Officers have lived with him in habits of intimacy or confidential communication. In part he has been cut by most of them, to this we may add that the delicacy of making such a disclosure while almost any one seemed inclined to rely on the hope that in the daily grouth and diffusion of that rumours some lucky accident might open the Prisoner's eyes and supercede the necessity of entering on so painful a subject.

Still the Prisoner would fain persuade the Court to swallow the absurd idea that he knew nothing of what the world said of him until he heard from me on the 10th of May last. The supposition is revolting to common sense. To argue that he knew nothing until then of the scandle by which his character was assailed, he must first make the Court believe that he still labours under the imbecility of infancy. That he has lived in the world and been in the army for 12 or 13 years without gaining either sense or experience from his collision with mankind this is not exactly the character he bears in the Regiment. He is generally thought to be deep, shrewd and reflective, managing his affairs with system and prudence and possessing more of what is called worldly wisdom than most of the Officers amongst us.

I will for a moment assume as *data* that there was some intercourse undue or otherwise between Lieutenant McKenzie and Cooke (if *indeed it can be called an assumption*) and that these reports just or unjust spring from that intercourse will I believe be as readily granted, these points conceded, the whole charge is reducible to a simple statement readily defendable by the first rudiments of Military law.

I take it for granted that a man 6 or 8 and twenty has a right to be considered his own preceptor.

Let us imagine several friends of much the same standing and experience in life to be journeying on when one of them chooses to leave the right and straight forward track and from caprice perhaps or other reasons known only to himself he glides at first imperceptibly away from his companions and gradually widening the separation as he proceeds he at last find himself involved in an untrodden path, and looking round he is surprised to find himself too late alone and bewildered he descries afar of his former associates pursuing the proper road and which now it is impossible for him to regain He sits down and in the agony of grief reproaches them for allowing him to fall into such a hapless predicament, but forgets the first deviation was so insensible as to elude their observation. Thus did Lieutenant McKenzie gradually loose the confidence of his former associates the breach wedened as his imprudence became more apparent *and friendship fled in a proportionate degree, such conduct and friendship could not long exist together, can it then be surprising that the reports were not mentioned to the Prisoner.*

What individual would over whelm himself with difficulties similiar to those that have been seen to arise since the agitation of this case, how must he have been annoyed and embarrassed if the whole corps are found harshly able to resist the attacks made upon it from all sides; It could only be done by them as a body. It was done by them.—And if the Court admit that such a growing evil could not last they will allow it was already time to seek a remedy. The Court will also decide whether conduct tending to create disgraceful remarks is not to be checked without it being a necessary consequence that such an act involves all the odium which such remarks might ultimately produce. *Let us ask* how long the Army *would be respected* or *even exist* without adequate means to correct or restrain the acts or abuses of its Members; we attach *Honor*, *Dignity* and *Manliness* to our profession but how vain would be the boast how deserving of ridicule, if these noble qualities were still permitted to decorate any character after the enormity of their misdeeds had become extended through the wide world.—The constraints that are essential to the condition of the Army when *once submitted to become the Law of the Soldier* and he can but blame his own folly if afterwards it is found too anstere and restrictive for his habits our profession is respected, and honorable and is rendered so only by all the parts of the great machine *acting and performing their various functions in concert*, but the slightest derangement of its constituent parts would soon lead to *its total ruin* if not timely corrected.—And I scarcely know what would be more likely to have that tendency than the amalgimation of ranks undue intercourse is highly blameable even between the Private and Serjeant but as I conceive altogether inexcusible when applied to an Officer.—Before I take my leave of this part of the subject, I must notice one difficulty, the solution of which I must leave to the penetration of the Court,—Lt. Kennedy owns he mentioned to the Prisoner so much of the conversation between himself Capt. Maclean & L. Meldrum as went to impute to him to great a degree of kindness to Soldiers in general and particularly to Cooke. The Prisoner does not appear to have had his tranquility the least disturbed by this communication. He makes no attempts to develope the meaning that may be below the surface. He never inquired of his friend what more he may have heard. The communication was made and received and there I leave it.

I have at length arrived at the conclusion of the 1st Charge following as far as practicable the divisions and subdivisions of the Prisoners arrangement but as I have said on the commencement of this reply I did not consider myself bound to follow him in all the divertions of fancy & declamatory appeals to the feelings of the Court, in which the Prisoner has thought proper to indulge I find indeed some relief and I am sure the Court does equally in being released even for a moment from the consideration of that disgusting mass of matter which attaches itself to the first charge and I gladly quit it to pass to the 2d charge which I shall endeavour to dismiss with as much brevity as I am able.

The Prisoner himself indeed admits that he has broke thro' the letter of his Majesty's regulations but he alleges in exculpation that he complied with the intentions and the spirit; all that I shall say on this point is that where his Majesty has been pleased to lay down a line of conduct to be observed by Officers the exercise of their own discretion is ipso facto precluded. distinctions between the letter, and spirit is in almost all Military affairs a very dangerous experiment, and it is so much the more reprehensible in the present case as there was absolutely no difficulty to perplex the understanding or to prevent literal obedience to the regulations in question.

The Prisoner sets out on his defence to the 3d charge with declaring it to be involved in uncertainty and quotes the opinion of the Judge advocate General in support of his assertion.

I cannot for my part see so much uncertainty as altogether warrants such an opinion, the plain facts according to the Prisoners own distribution are these.—He neglected to attend in consequence of a requisition to prosecute McHugh, he did not explain the extraordinary circumstance stated in the charge, the charge itself was never communicated to him let us now see how far all these causes of uncertainty are capable of explanation as to the requisition he does not pretend to say he obeyed it, he cannot pretend to say there was any thing to prevent him for as to his being in the sick list it is down right trifling to alledge that as an excuse but more of this as I proceed as to the charge never having been sent to him why should he have expected such a thing, Colonel Fitz-Gerald or the Adjt. of the 20th Regiment must have very naturally concluded that if he wanted the charge he would send for it himself. His complaint that he never saw the charge is in a great degree answered in the preceding remark he never could have wished or wanted to see the charge for if he had nothing more was necessary then to write to the Adjt. of the 20th Regiment who would have furnished the Prisoner not only with the charge, but with any information he might require along with it.

Now if he wished to write for a copy of this charge he might have done it any time on Saturday, the whole of Sunday, and Monday morning until 9 o'clock, when McHugh's Court Martial assembled and if the Prisoner was too lazy to take the trouble of writing a few words speaking would have answered the purpose equally well, and there was a good opportunity for saying any thing he had a mind on Sunday morning, when the Adjt. of the 20th Regiment, waited on him at his own quarters to talk over the business of the trial that was to take place the following morning.

That I did not see the amended charge (says the Prisoner in his address) there is abundant evidence before the Court, and that the alteration of the original charge sent now by me thro' Serjt. Russell was not intimated to me by Adjutant Hallingsworth's letter requiring my attendance will also be duly admitted. This really does exhibit a happy example of grave and solemn trifling so then the Prisoner did not see the amended charge; why did he not see it? Whose fault was it. Why it was his own fault his own deliberate voluntary fault no artifice can conceal from the penetration of the Court the obvious fact that he does not appear to have evinced much or indeed any anxiety about the event of the prosecution. He went not. He inquired not he acted, not nay more whatever may have been the motive he did not wish to appear and this is the great and prominent feature of the charge now under investigation, it is very easy to shew that he not only sought to avoid acting himself but he has afforded a strong ground for concluding it to have been his wish to prevail on those who did act from during so with any effect.

The original charge he says in his address, was sent in by him thro' Serjt. Russell, he claims it specifically as his own, now all the right he has to

(Continued in the Additional Supplement.)

Additional Supplement to the Bombay Gazette.

WEDNESDAY, 1st NOVEMBER 1826.

(*Continued from the Supplement.*)

do so is that he gave directions to Serjt, Russell to make out a crime against McHugh and the Serjt. did so accordingly. The Prisoner himself does not appear from any evidence to have revised or even looked at the crime, if he had he would not have been so stupid as to state in the crime, that the man came with intent to rob as all his most valuable things, were at the mercy of the intruders, yet nothing was even disturbed from its place, so leaving it to Serjt. Russell who neither knew nor cared much about the affair, he worded the crime "for being concealed in Lieut. McKenzies house with intent to rob"—Now Adjutant Hollingsworth has told you the culprit could not be tried or at least no punishment could be awarded by a Court Martial, for a crime so worded and the conclusion he drew from the vague manner of wording it was that the person by whom it was framed either knew but little of Military affairs or did not much wish the culprit to be brought to trouble, to prevent the fellow escaping altogether, Mr. Hollingsworth was obliged to frame in his own way by which a distinct specific crime was brought home to McHugh, the Prisoner remaining unconcerned in his Bungalow and allowing every thing to take its course. And now he has the assurance to try to convert his supineness and neglect and duty into materials for his defence affecting to make it matter of complaint, that he did not see the amended charge that it had not been sent nor even communicated to him he had powerful reason however for not attending the Court Martial or giving himself any trouble how the crime was worded or how it was disposed of any blame that might attach to his neglecting to obey the requisition to attend McHugh's trial "he has (he tells" the Court) by complete proof that he was at that period of time in the sick list "flimcy shallow wretched pretence so than the Prisoner still had his name included in the muster roll of the sick!" and dare not leave the walls of his Bungalow to insure the conviction and punishment of a miscreant, whose escape from justice might be the result of his inactivity! The Prisoner is not the first Officer I have known whose name held its place in the sick list when it ought to have been found in the Adjutants role of duty. The Court may perhaps feel some curiosity to know what the Prisoner's ailment was why it was the recollection of a fall from his horse, some three or four weeks before the time of these occurrences. Still I do not mean to deny that his name was in the sick list; but I think I am at liberty to examine a little into his right to hold a place in that document. Mr. Hollingsworth called on the Prisoner on Sunday morning, the very day before the Court Martial, he has described to the Court, the appearance of sickness which he was able to discover in the Prisoners appearance there was no drink on the table, no phials nor pill boxes paraded on the shelf. He found him not prostrate in bed, nor reclining on a couch; as the Prisoners note of the day before had led him to expect somethig. He found him out, walking in his Garden without even the protection of a hat, under the direct rays of a vertical sun in the month of May. It does not appear however that the sun or the walk in the Garden, did him any harm for at night he was able to ramble out near a mile from his own residence, to indulge his curiosity with a view of the conflagration. He was met coming back by his friend Lieut. Cooper (and a friend indeed he proved himself by the advice he gave) they enter into familiar conversation together; the flight through the window, and the bed scene are fully detailed when Lieutenant Cooper gave his candid and cordial advice to the prisoner as his friend, to strain a point and go the next morning as far as the lines of the 20th Regiment that he might make sure of an adequate punishment as that of which McHugh was guilty. He tells the Prisoner that if he does not go there will be a talk about it, but his hint is thrown away, the Prisoner has not even the curiosity to ask him, what he means by people talking, and this at least one might expect him to say, were it only from the idea conveyed, that his right to think, and to act for himself would be called in question.

The next accusation continued the Prisoner is that I neglected to take any measure to explain the extraordinary circumstance stated in the charge that Private McHugh was found concealed in my bed.

This is not exactly what is intended by the charge, attributed to it so much attached to the circumstance of his not explaining the affair of the bed, as it is, to the more material part, of neglecting the requisition and I do say, that neither this neglect, nor the Criminality arising out of it, have been at all done away by the Prisoner taking refuge in the sick list, his not explaining, is to be regarded in the same kind of Aspect to the principal charge of neglect, and is conjoined with it, as affording the supposed source of the scandalous rumours that subsequently assailed the Prisoners character.

The Prisoner seems to wonder why this circumstance of a man being found concealed in his bed, should be considered extraordinary the best answer I can give, is, that it was and is, so considered; although chiefly perhaps from its being coupled with the other singular circumstances that are mixed up with the whole affair. There is at least one extraordinary circumstance to which the Prisoner himself has been at some pains to draw attention Here are two men come into a house, with intent to rob (for so say the original crime) they might have robbed for every thing valuable the prisoner possessed was at their mercy yet nothing is touched and to every one of the multitude to whom he detailed the affair this ingredient had a conspicious place assigned it.

The evidence given by Ensign Dickson detailing his advice to the Prisoner to attend the trial of McHugh comes next under review in the Prisoners address and he somewhat scorned fully quotes the last words of that promising young officer's, evidence when he says "I turned away from him with disgust." If the Prisoner had on that occasion shewn any inclination to adopt his advice, or had even expressed any desire to know why he gave it, that honourable young Soldier would have gone away with a very different feeling. In this place there is an amusing Episode introduced of a shield with a black and white side, and of two romantic heroes who come to blows by way of deciding which was the real colour of it. It is a great pity some other Episode or anecdote could not be brought in to chime with Mr. Coopers advice given on the same occasion. These kind of embellishments cannot always be had ready made, and that is the only way left, to account for the sound advice given to the same effect by Mr. Syster having been left in the Inkstand along with other inconvenient reminescencies. In justice to that officers remarkable candour some notice I think ought to to be taken of the singular manner of his giving his evidence not one of the numerous witnesses examined evinced such rigid adherence to the very letter of his oath, he gave indeed the truth, and nothing but the truth, for the court may recollect that he repeated the very imprecation he made use of to the Prisoner in order to prove the sincerity of his advice. But all this honest zeal has had no merit in the Prisoners eyes he has not even paid him the tribute of a line in his long and comprehensive address.

I must now take my leave of the the satue and shield and the knights, and I purposely pass over a good deal which the Prisoner intend for argument, that I may the sooner grapple with a fact which is not one of the least surprising in this most singular and anomalous case, and this is that the learned judge Advocate General should form or express the opinion openly ascribed to him in this part of the Prisoners address.

I sincerely believe it would be by no means an extravagant compliment to that highly talented officer were I to say he has the whole law of evidence off by heart, or at any rate that he has read all that has been written on the subject. Would he then compromise himself so as to give an opinion that McHugh would be an useless witness Lord chief Baron Gilberts Treatise on the law of evidence has a passage so much in point, that I must crave the permission of the Court to read it.

"For if it be plainly seen in the nature of" the trasaction, that there is some more evidence "that doth not appear, the very not producing it is a presumption that it would have dedected" something more than appears already, and therefore the mind does not acquiesce in any thing lower than the utmost evidence of the fact is capable of.

If therefore such an opinion was given I can have no hesitation in saying that it is in direct opposition to the opinion of one of the greatest if not the very greatest legal authoritys we have on all questions connected with evidence whether oral or written.

It is not easy to calculate what might have been elicited from McHugh, if, without having had the benefit of a previous drilling he could have been produced before the Court and throughly sifted by such interrogatories as might be framed on the variety of points that would suggest themselves to the combined sagacity of the Court, the Prosecutor and the Prisoner.

The self erected Court of Inquiry of which Lieutenant Eyre was president could not be expected to extract much from such a character by the weight of either their talents or authority. I do not deny that we have in Lieut. Giles Eyres version a tolerably fair allowance of such stuff as McHugh chose to give out before him and Malachi Hart, and here again I cannot refrain from expressing my astonishment at the passive complacency with which the learned Judge advocate General submitted to the drudgery of recording whole pages of illegal evidence recollecting as I do, the tenacious, position he so frequently made, when any thing in the shape of hearsay evidence was offered on behalf of the Prosecution The contrast is certainly stricking and although the learned Gentleman may possibly be able to assign good reasons for adopting a conduct so opposite in cases so much alike; I still have a full right, while I doubt the efficiency of these reasons, to express what I feel on the subject.

With regard to that portion of Lieutenant Giles evidence, which I am at liberty to consider as his own, I shall not trouble the Court with many remarks, he did not so much as affect to conceal the determined bias under which he gave it, which as rendered somewhat too palpable by the whimsical paradoxes he sported in some of his answers to very plain and simple questions and the endecorous warmth of temper he betrayed while under examination.

All this however, I might be inclined to attribute to that zeal, indiscreet but virtuous, which would lead him to believe there was a merit in identifying himself with his friend but I cannot ascribe to a motive quite so harmless the dark, foul, false malignant insinuation which he has retailed to the Court as coming from the mouth of McHugh I know not whether they felt it at the moment as I did and as I feel it still, the passage I allude to is where that man describes his being inveigled from his own lines by some one whom he recognized by his button to be a soldier of the Queen's Royals, his templet led him along till at length he placed him in the Prisoners bed, does the Court perceive what is intended by this, for fear any one now in the Court should depart in ignorance, the task shall be mine to translate it into plain English. Be it known then that the atrocious idea meant to be conveyed is that I or the body of Officers, or both, formed the execrable plot to have a man clandestinely concealed in Lieut. McKenzie's bed for the flagitious purpose of effecting the ruin of his character.

Lieut. Giles Eyre is still but young either as a man or a soldier. If he has a sincere friend, that friend would do well to give him his advice, to avoid in future dabbling in the business of Courts Martial unless it should be wished by a little practice before hand to qualify him on some future occasion for conducting his own defence. The evidence of Adjutant Hollingsworth does not appear to have given the Prisoner satisfaction neither the matter nor the style is to his liking indeed he seems some how or other, to have a great antipathy to Adjutants in General and his rumour against this Gentleman carries him so far as to implicate him, pretty plainly in the conspiracy that we have all formed against his honor and reputation! The Adjutant of his Majesty's 20th Regiment will not, I believe, consider, it any disgrace to be identified with the Queen's Royals nor need he much care what opinion the Prisoner may chuse to entertain of him.

I could wish as much as I believe the Court itself does, to have done with this 3d charge but as Adjutant Hollingsworths evidence is here contrasted with that given by Captain Stanley a few observations become unavoidable.

The evidence of that Officer, as well as the occurrence that led to it, furnished the Prisoner with a handle for sarcasm and redicule, in speaking of the evidence of Captain Girdlestone they are however, very ill placed the latter Officer did no more than describe in very correct and significant language the impressions he received from Captain Stanleys words and jestures. If Captain Stanley meant it all in joke, it is all well; but Captain Girdlestone might not have considered the subject a very fit one for such coarse jokes and was very naturally led to consider the words as seriously meant and I rather believe he was not the only Officer present who took up the same impression. There are some other passages in Captain Stanleys evidence, that cannot have been very palatable to the Prisoner. It appears rather prominently that his not attending to prosecute McHugh was thought remarkable out of the Regiment as well as in it; but I must stop here I had nearly forgot the Prisoner about this very time was in the sick list!!!

With this unlucky joke of Capt. Stanly's, I have been brought into a scrape myself from which I must now try to extricate myself as well as I can, hearing rumours from all sides of the bed, and McHugh and his trial I scarcely knew for some time what was best to be done, from this state of indecision, the Prisoner happily relieved me, by demanding a meeting of the Officers, which as the Court already knew was convened in the course of the discussion that took place, allusion was made to Captain Stanleys words and proof is before the Court that Captain Girdlestone at least, had received a strong impression from the words he had heard Captain Stanley utter, I did not produce Captain Stanleys explanatory letter on this occasion, and of his omission of mine the Prisoner or his councel, has made good use, insinuation pretty broadly that I held it back at the meeting of Officers, with the insidious view of letting the prejudice of the Officers operate against him unchecked by that altered view of the subject which the production of his letter must have produced all I can say to this charge is, that there was a very good reason for not producing that letter; and I can have no doubt the Court, will be of the same opinion when I inform them it was not written until the day after the meeting.

I am tired of the ungrateful task of refuting the unfounded arguments of the Prisoner, and destroying his bold, and unauthorized assumptions but I could not find repose as long as there is a chance that any thing I can say, may remove from the minds of the Court those impressions they may have received at the expence of candour, or of truth. All the Prisoner has further to say in this charge is comprised in a very pathetic appeal to the feelings of the Court.

It would look like cruelty to say any thing to interfere with the impression it is intended to make; but, much as it is my wish to avoid it, I cannot let it go to the Court without applying some corrective to one assertion it contains "I stand before this Court" says the Prisoner "a brother Officer accused by the inferences of others of the most abominable and disgusting of Crimes. The fact is not so, the accusation realy resolves itself into being guilty of a series of indiscretions, and persevering in a line of conduct which have naturally tended to produce those unhappy results that have ultimately brought him before this Court.

4th Charge.—As the Prisoner has thrown himself upon the mercy of the Court with respect to the fourth charge, I shall not say much to prevent the Court from listening to this appeal, only he must not be allowed to adduce as matter of mitigation, circumstances that have never occurred, I cannot allow him for instance to persuade the Court, that I ever did or ever could have given him permission to take any man he pleased in the room of Luttott. The thing is as false as it is absurd; to my own brother, if he were in the Regiment, I should have refused such a latitude of choice. In the first place generally speaking, a front rank man is rarely if ever allowed to be taken as a servant and the right hand man of that rank, never, under any circumstances can be allowed to quit his post many others there are in the ranks whose character & qualifications point them out as deserving promotion and are therefore reserved for the purpose of filling up vacancies as they happen to occur among the Non-commissioned. This will shew the Court that I never could have sent him by my servant Wakelin such a message as that he pretends to have received; many more objections to the prisoners statements in this part of his address, suggest themselves to my mind; but in pursuance of my promise I shall withhold them from the Court leaving the current of their mercy to flow as freely as their sense of Justice will permit.

It is a great relief to have got at last so far as the argument with which the Prisoner commences his defence against the 5th and last charge. He is greatly puzzled and perplexed he tells the Court to ascertain from what part of his conduct as adduced in evidence upon this charge criminality is to be inferred, now the difficulty I experienced is quite the reverse for on a review of the evidence I feel equally puzzled and perplexed to find out that part of the Prisoners conduct from which criminality is not to be inferred, I think it wasting the time of the Court to take serious notice of the amusing picture he represents to the Court exhibiting the fatigue he imposes and the ardours duties he exacts of his servants and the munificence with which he reconciles them to such a life of toil and trouble, I can have but little to do with the confidence he reposes in his domestics or with the fidelity with which they return it, let him give them over the custody of his cellar and his larder and his purse if he likes. But holding the arduous and responsible situation of Commanding Officer of an old and distinguished Regiment, my business is to watch over and preserve the sobriety and good order of all ranks but of none absolutely none, so much as that great and efficient part of a Regiment the Non-commissioned Officers.

The Prisoner in this place has admitted his liberality to his favored servants whether it be Lintott or Turner, or Cooke (for he too has had, at least private rank as such) is not satisfied with allowing them a full participation of such little delicacies as are prepared for his own consumption. That is not enough that lucky private who happens to be promoted to the rank of Lieut. McKenzies servant must also enjoy the prerogative of inviting his friends or relations to partake of those little delicacies amongst which of course the brandy bottle is not the least important article and thus he admits a system to have been established under his own roof of the most demoralizing tendency which directly opens a door to drunkenness that great and fruitful parent of almost every crime that disgrace and spoils the soldier.

The sandwich feast and the gingerbread report introduced occasionally by way of variety I suppose, he considers quite harmless I have not the slightest hesitation "says the Prisoner in admitting them to their fullest extent but wherein consists the criminality," I call upon every Officer of this highly select Court Martial, to ask themselves if they ever heard of an Officer who kept open house, or what is the same thing permitted his servants to do so, for the general entertainment of the Non-commissioned Officers of the Regment he belonged to in his very apartment? If the Prisoner had not been checked in his carier of entertainment there is no saying what extent the evil might have reached as it was, I could not help remarking the numerous cases of drunkinness and neglect of duty which occurred amongst some of my best non Commissioned Officers, about this very period, the cause of which I never could find out, until I discovered that Lieut. McKenzie, kept a regular house of rendezvous for their accommodation, and that his Brandy Bottle by day as well as by night might be said to be at the command of any one who chose to make use of it, nor was it his fault if any man left his house sober or sorrowful! I

[illegible] in saying that this system of treating, was carried on by day as well as by night for Serjeant white confessed in this court, that he has tried the strength of the Prisoner's Brandy Bottle at different times in the day time, although I believe his evidence on that point, was not recorded. Nor is he the only one who could say the same but a criminal gratitude for a still more criminal indulgence has hitherto locked up the secret in their breasts; so as to have in a great measure precluded me from overwhelming the Prisoner, with proof of the pernicious and demoralizing system of conduct he had established at his quarters at all events two cases have been successfully proved the 14 and 17 of March and if nothing more had been proved I conceive these two instances would have been quite sufficient to establish the charge. It appears from the evidence of Private Turner a witness by no means willing to hurt the Prisoner, that his orders to his Servants to feast their friends contained no limit or restriction as to time Nothing was said about Tattoo beating they were welcome to come and partake of Sandwiches and Brandy and water at any time it was their pleasure to do so The Prisoner even in his address in which he has taken great liberties with the truth, does not pretend to say that on the 17th March the non Commissioned Officers entertained at his quarters had permission to be out of Barracks after Tattoo; but I am told that as Prosecutor I am bound to prove they had not the requisite permission but I humbly contend that the Prisoner as an Officer of the Regiment is guilty of serious magnitude in a Military point of view in allowing non Commissioned Officers or Soldiers to feast or carouse at his quarters whether they had permission to be absent from Barracks after hours or not, does the Prisoner mean to tell the Court that if I give a non Commissioned Officers or Soldiers occasional leave to be absent after Tattoo such leave authorizes any of my Officers to feast them at their quarters.

There is something in the kind of defence set up by the Prisoner to this charge, that in my humble judgment aggravates the offence and it were far better to throw himself on the mercy of the Court than offer an insult to the understanding of its Members, by the mokery of a defence. Is it not downright trifling to attempt to bring back the Members of a Court like this to their schoolboy days, and furnish them with a grammatical Lecture on the congragation of verbs and distinction of tenses, in order to make Private Turner speak English according to the Prisoners wish.

It is in vain for the Prisoner to say he did not know that the non Commissioned Officers were at his quarters on the night of the 17th March. But Granting the not admitting he was ignorant of the fact his permitting non Commissioned Officers to be entertained at his quarters brings him within the scope of the charge, I have nearly done with the 5th charge the last in point of order but I believe the first in point of importance the consequence involved in the other charges go chiefly to affect the Prisoner himself; but the crime of which the Prisoner is accused in this charge might have affected and to a certain degree did affect the discipline and well being of the Regiment which his Majesty has been pleased to intrust to my command. The Prisoner really seems to consider it, on the contrary, consider it to have been weak or wicked or a compound of both. Every Officer who hears me must be convinced from his own experience, that nothing can well be imagined more effectually to ruin a Regiment, than the voice of drunkenness and that all the wishes, all the vigilance, and all the efforts of a Commanding Officer frequently prove nugatory and ineffectual in preventing its introduction, or in checking its growth, after it has once spread its baneful influence to a body of European Soldiers.

What then shall we say to an Officer, who actually opens a school, in which the young and unpractised Soldier may take daily lessons free of expence in this most distructive vice.

If affecting indignation did not check my approach to mirth I might be inclined to smile at some of the arguments with which the Prisoner attempts to justify the conduct arraigned in this charge So then because the Prisoner wishes to become popular among the men of the Queen's Royals and to earn the character of a liberal kind hospitable, friend by good sort of a Gentleman, my non Commissioned Officers must be debauched, and the Discipline of my Regiment put to hazard; look at the unfortunate man whose name occurs but too frequently in your proceedings, his cleam Soldier like appearance and his other promising qualities brought him early into notice. He was made a corporal in England and soon after promoted to the rank of Serjeant. Look at the change, he was one of the Prisoners Scholars. He might have taken his first lessons of drinking elsewhere, but he made himself perfect in the art by daily lessons at the Prisoners Drinking Academy. Then mark the result, He is Drunk on duty, a crime that ranks amongst the most serious of those of which a Soldier can be guilty, and his disgrace follows of course for it is a crime that cannot be forgiven to man or Officer, If you ask me where he got drunk on the day when he left his guard, the Evidence will not warrant me in saying that it was at the Prisoners quarters, but it is quite strong enough to satisfy both my understanding and my conscience that it was there he got drunk and no where else. We have seen that very soon after he took charge of the hospital Guard he started or straggered down to the Red lion. He was fond of a drop of drink says honest master Linnott, and when he came to master he was always sure of getting some yes it is very true the wretched man was fond of it indeed, and the consequence was he was soon carried to a premature grave.

The Prisoner has sinned in this case in spite of warning, even his friend Lieut. Kennedy has admitted his having let out to the Prisoner so much of the conversation at Colabah, as must have convinced him that his kindness to Soldiers has been remarked, even there but that warning even from his best friend produced no change the same kindness to Soldiers was continued after his arrival there, and without making another observation, I shall resign this charge, and the evidence upon it to your consideration and judgment.

The Prisoner sums up his address with some general remarks, which he informs the Court, he could not so conveniently introduce in his discussion of the separate heads, into which the charges were divided by his arrangement, as I know you are to decide this case not by argument but by evidence, I should perhaps do well to leave the Prisoner to reap the advantage his address may procure for him, but there are a few topics which I think ought not to go into your proceedings without being accompanied by some corrective. The advice I gave the Prisoner to retire quietly from the Regiment, is now arraigned as an act either of imbecillity or injustice, the honour of the Regiment he gravely tells the Court was inseparable from his own. This is information which is new to me. It is an alliance, I never before suspected, by his taking my advice the stigma would have remained affixed to both him, and the Regiment, by remaining to clear himself the stigma would be removed from both. I must tell the Prisoner the Regiment never had any stigma affixed to it on his account, nor never can have any apprehension of such a thing. He has chosen to stand his ground and requesting advice I am strongly inclined to think whatever may be the event of this Court Martial, that he will find it would have been wiser to have followed my advice after all.

I am next accused of having caused the arrest of one of his friends, and the expulsion of the other from cantonments by what is denominated secret and frivolous representation to the Major General Commanding here; and to my under hand influence in the same quarter is attributed the publication of two documents which you have heard read. The one published in division orders, and the other in the Regimental orderly book. It would be nothing short of presumption in me were I to make any attempt to vindicate the high character which assailed by those insinuations, I shall only meet them as far as regards myself by a solemn disavowal of the conduct imputed to me.

My conduct at the meeting of Officers is criticised and censured with much severity of remark, and the emphatic silence of one of the Officers present is adduced to shew the influence, I exercise over their proceedings, I really never suspected before that I had so much power over the minds of the whole body of Officers belonging to the Queen's Royals. It is however complimenting me with a degree of power which I do not pretend to possess the Prisoner complains also that we did not on that occasion go into an enquiry respecting the origin and propogators of the reports to his prejudice. But I would fain know if I or any of my Officers could erect ourselves into a Court of enquiry on Lieut. McKenzie, and proceed to the examination of witnesses in a case like this? Look at the enormous mass of proceedings on your table, and let that silence the Prisoners cavils and complaints.

By those who know nothing of my conduct towards the Prisoner but what they may have heard from his address to the Court, it might well be supposed that I had always entertained a prejudice against him, that I had visited him with my dislike and pursued him on all occasions with persevering and unmerited hostility. The very reverse is the fact, but as denial is easy and arguments often delusive, let me offer you a proof of what I say from under the Prisoners own hand.

Read letters dated 24th July and 4th September 1825.

Much and often has the Prisoner given me cause of dissatisfaction, I have now shewn you whether I treated him with lenity or harshness, I might expatiate much more on this subject, but I believe it to be unnecessary, my motives throughout this affair have originated in my zeal, for the good of the service in general, and the honor and well being of the Corps I command in particular. The Prisoner has pathetically invoked your justice, and as I can wish for nothing that is incompatible with that divine attribute I devoutly join with him in his invocation.

J. WILLIAMS, *Lieut. Col.*
Commanding Queen's Royals

Camp near Poonah,
18th August 1825.

Read on the 31st days Trial.

VANS KENNEDY,
Judge Advocate General.

Colabah, July 24th 1825.

Sir,

It was with the greatest concern that I was this day informed by Major Johnstone of your displeasure at my general conduct, and particularly at my having addressed my note of yesterday to you, allow me Sir to assure you that I regret extremely having given you so much trouble, and I trust you will consider whatever I have done to incur your displeasure as proceeding more from ignorance than from willfulness, with regard to the note which I unfortunately wrote to you yesterday I have only to give you my word of honor that it was merely written to solicit a favour, and that I had not the most distant wish or intention of opposing you or flying in the face of your orders, I trust Sir that regret for having unintentionally given you so much trouble and my assurance of doing all in my power to try to regain your good opinion, will induce you if possible to forget what has passed, it only now remains for me to assure you that I am incapable of wilfully hurting the feelings of any person but more particularly Mr. Littlejohns, as I not only respect and esteem him but also consider myself obliged to him.

I have the honor to be &c.
(Signed) GEORGE McKENZIE,
Lieut. Queen's Royals.

A true Copy
J. WILLIAMS, *Lieut. Colonel Commanding Queen's Royals.*

Lieut. Col. Williams,
&c. &c. &c. &c.

Colabah, 4th Sept. 1825.

Sir,

As I am aware that it is considered a mark of distinction, appointing an Officer to a flank company, and particularly, one who has so recently joined the Regiment, and as a removal to a Battalion company must be considered as the strongest mark of my Commanding Officers displeasure and a very great degradation, I trust as you have hitherto treated me with the *greatest clemency* you will add to the obligations, I am already under by revoking your determination to remove me from the Light Company, it would be quite useless my making you any promises, but if you will allow me to remain in the company I now am, I trust you will not again have occasion to find fault with me.

I have the honor to be
Sir,
Your obedient servant
(Signed) G. McKANZIE.

A true Copy
J. WILLIAMS, *Lieut. Colonel Commanding Queen's Royals.*

Lieut. Col. Willims,
&c. &c. &c.

THE PROSECUTOR HERE CLOSES HIS REPLY,

The Prisoner now solicits permission to adduce some evidence for the same purpose as that stated by the Prosecutor on Wednesday last, and the Court complies with this request.

Lieutenant Eyre again examined on his former oath.

Examined by the Prosecutor,

Q. During March last, were you one evening at a large party at Ensign Westby's and if so, state the names of the persons you saw there.

A. Yes I was, and to the best of my recollection Mr. Meldrum, Mr. Knox, Mr. Cooper, Mr. Keith, Mr. Sterling, Mr. Fisher, Mr. Kennedy, Mr. Goss, Mr. McKenzie, Mr. Leward, Mr. Reeves, I think of the Civil Service, Mr. Dickson, Mr. Day, Mr. Pottinger H. M. 6th Regiment together with myself were present to the best of my recollection on the evening I allude to.

Q. Were Lieutenant Carruthers and Dalway at this party.

A. Yes, they were.

Q. On what day of the month did this party take place.

A. I cannot charge my recollection with either the day or the date of the month, when this party took place.

Q. During March were you present at any other party at Mr. Westby's at which Lieut. Dalway and Carruthers were present.

A. No, I was not.

The examination of Lieutenant Eyre is here closed.

Lieutenant Carruthers again called into Court, and examined on his former oath.

Examined by the Prisoner.

Q. During March last, were you present at a large party at Ensign Westby's at which Lieutenant McKenzie, and Lieutenant Kennedy were present.

A. Yes, early in the month.

Q. During March last, were you at any other large party at Ensign Westby's, at which Lieut. McKenzie and Lieut Kennedy were present.

A. No, but I was at a small party afterwards.

Q. During the first party do you recollect having any conversation with Lieut. Kennedy, respecting the passing the night of the 17th March, or St. Patricks day, on board Ship the preceding year.

A. I might have said so, but I do not immediately recollect it.

Q. Did you ever say that a criminal intercourse subsisted between me, and the late Private William Cooke.

A. No.

Q Did you ever say, that you *supposed* a criminal intimacy subsisted between me, and the late Private William Cooke.

A. No.

Lieut Carruthers withdraws.

Lieut. Dalway again called into Court, and examined on his former oath.

Examined by the Prisoner.

Q During the month of March last, were you at a large party at Ensign Westby's at which, Lieut. McKenzie, and Lieut. Kennedy were present.

A. Yes.

Q. Do you recollect the date.

A. Not perfectly, it must have been somewhere about the sixth.

Q. During that party had you any conversation respecting the night of the 17th March, on St. Patricks day, that you had passed on board ship the preceding year.

A. Very likely I had, but I cannot call to my recollection any particular conversation. But it is very likely that there might have been such a conversation as it was a subject frequently spoken of what a pleasant night, we had passed on board ship.

Lieut. Dalway withdraws.

Captain Lawson again called into Court, and examined on his former oath.

Examined by the Prisoner.

Q. Did you ever say that a criminal intercourse subsisted between me, and the late Private William Cooke.

A. No, I did not, I said that I believed that an undue intercourse subsisted between you, and I have explained in my former evidence my idea of what an undue intercourse is.

Captain Lawson withdraws.

The Prosecutor examined by the Prisoner.

Q. By whom were you informed that Lieut. Carruthers, and Dalway were not in Lieut. Kennedy's and my company on the 17th March last.

A. I think it was on the very day that Lieutenant Kennedy gave his evidence where there was such a flagrant breach of the truth, and I heard it to the best of my recollection from Lieut. Dalway and Carruthers after I left the Court.

Q. Did Lieut. Carruthers and Dalway or any one else, mention to you that these Officers had been at Mr. Westby's at a party in Company with Lieut. Kennedy and me in March last on any other night then the 17th,

A. Yes, I heard it.

The Prosecutors examination is here closed.

The Prisoner now requests that he may be permitted the indulgence of making a Rejoinder and of a few days delay to prepare it.

The Court complies with this request and is in consequence adjourned until Friday next at 11 o'clock of the forenoon.

THIRTY SECOND DAY.

FRIDAY 25TH AUGUST 1826.

At a General Court Martial then holden at Poonah pursuant to adjournment.

Present the same Members as on Monday last.

Read over the Proceedings of Monday last.

The Prisoner now delivers in the following Rejoinder which is read by a friend of his.

THE REJOINDER.

On the 5th Original Charge.

MR. PRESIDENT AND GENTLEMEN.

It is with great regret that I have found myself obliged to detain you still further from proceeding to a decision on these voluminous proceedings. But justice both to myself, to the friends who have so kindly and generously afforded me their assistance during this protracted trial, and to a principal witness on the Defence renders it a sacred duty that I should now avail myself of this opportunity to make a few remarks on the Reply and on the evidence adduced in its support. In my former address the Court will perhaps allow I abstained, as much as my own vindication would admit, from making any remarks on the comparative credibility due to the witnesses examined on the Prosecution and on the defence. But as the Prosecutor considers such a discussion necessary I am now compelled to shew that my former forbearance proceeded from delicacy, and not from inability to expose the evasions, inconsistencies, and contradictions with which the evidence on the Prosecution abounds.

In his address to the Court on entering on his Reply the Prosecutor observes, "I am now prepared to go into an examination of witnesses for the purpose of re-establishing the credit of some material witnesses for the Prosecution. And also to impeach the credit of some of the witnesses for the defence, who have deposed to important facts, which I have it in my power to controvert by positive and irrefutable evidence." After this imposing exordium what must have been the surprise of every one present to find that the first witness called was merely adduced to re-establish his own credit by his own testimony. To this novel mode of supporting the credibility of a witness the Court objected; and the Prosecutor then called another witness the very first question to whom commenced with "were you ever told." The Court, however were inexorable and decided that the credibility of a witness could not possibly be impeached by hearsay.

Disappointed in these two attempts to improve the rules of evidence, the Prosecutor was obliged to content himself with attempting to impeach the credit of Lieutenant Kennedy on two points perfectly immaterial to the proof of the Charges. The one Lieut. Kennedy has himself explained, and his explanation being fully supported by the witnesses called by me on last Monday, the Court are no doubt satisfied that the mistake, on which the Prosecutor has laid so much stress, originated solely in Lieut. Kennedy's having mistaken a date. For, that all the circumstances to which he has deposed did actually occur on some night in March last (during which month we have it on the proceedings that many evening parties assembled at Mr. Westby's Bungalow) has been sufficiently prov-

ed though they did not take place on the 17th. But at the very time that Lieut. Dalway and Carruthers were brought forward by the Prosecutor to depose to this error, both he and they well knew the cause which had occasioned this mistake, was it therefore candid, was it generous, was it liberal in them to suppress this knowledge; and thus on such futile ground as they themselves were well aware, attempt to call in question the veracity of an Officer.

The second point originates in some misapprehension of the evidence given by Lieutenant Kennedy, as recorded on the fifth day's Proceedings. For Lieutenant Kennedy has never deposed that he was either begged, entreated, or in any manner dissuaded by Lieut. Meldrum from mentioning the conversation which took place between them and Captain McLean at Colabah Lieutenant Kennedy's words are—"Mr. Meldrum also came back the next day or the day after, and repeated what he had said the night before about not believing the reports". Lieut. Meldrum, however deposes that he never waited on Lieut. Kennedy nor had any conversation with him on the subject, after the night on which it took place, whether he did or did not could be easily ascertained had Lieut. Reford of the Queen's Royals been present, he has however unfortunately sailed for Europe. The Prosecutor must surely attach singular importance to the evidence of Lieutenant Kennedy, and in my opinion with the greatest justice, or he would not have made such a desperate attempt in order to impeach it, by bringing into question the credibility of his own witness. For unfortunately Lieutenant Meldrum is directly contradicted on a point most material to the proof of the 1st charge, not by any witness on the defence, but by four of the Prosecutor's own witnesses. The Court will no doubt recollect that the following cross question was put to Lieut. Meldrum—"Can you specify the name of any particular Officer who ever said that a criminal intimacy subsisted between me and Cooke? To which he replied without reserve or qualification"—Yes, several. Mr. Carruthers, Mr. Keith, Captain Lawson, Ensign Dickson, and some others whose names I do not recollect—"But all these four Officers have positively denied that they ever made use of such an assertion."

But had the Prosecutor conceived it to be in his power to discredit the testimony of Lieut. Kennedy there were two points which though immaterial to the proof of the charges, it would have been of much more consequence to the prosecution to invalidate. For as long as the fact, respecting the young recruit named Johnstone having received Soup and Port-wine, negus in Lieut. Kennedys Cabin during a fortnight or more remains uncontradicted, it will appear highly probable that Lieut. Cooper and Ensign Dickson may have mistaken, Johnstone for Cooke, unaccustomed as both my friends and myself are to legal proceedings, I had not sufficient skill to frame my cross-questions, so as to enable me to controvert fully the evidence on the Prosecution For the Court will observe that the particular dates, on which Lieut. Cooper, and Ensign Dickson saw an individual in Lieut. Kennedy's Cabin, have not been ascertained; and consequently it was not in my power to bring any other evidence on this point than that of Lieutenant Kennedy. But the Prosecutor is probably acquainted with these dates, and he might therefore have easily discovered whether at the times deposed to Johnstone was sick or not. As however, he has not availed himself of those means it may be justly concluded that he knew well that this circumstance could not be invalidated; and the Court will therefore, most probably ascribe the testimony of Lieut. Cooper, and Ensign Dickson merely to their mistaking Johnston for Cooke.

The invalidating, also, of another part of Lieut. Kennedy's evidence would have tended to re-establish the credit of one of the Prosecutor's own witnesses. For on my asking Ensign Dickson this general question, which I have put to every Officer of the Regt. and which has been answered in the negative by every one of them except him—Did you ever witness any thing in my conduct derogatory to the character of an Officer and a Gentleman? he replied—"Yes, I have—you have been guilty of telling me three falsehoods"—With regard to the first of these alleged falsehoods I am perfectly at a loss to discover in what the deviation from truth consists. And of the circumstances on which Ensign Dickson has deposed, that the second fresh I most conscientiously declare my utter ignorance; and the Court will in vain search in these proceedings for any conduct on my part which can induce them to suppose that, I would deny having written a note a few hours only, after I had sent it to the Gentleman to whom it was addressed. But the true value of this testimony is at once ascertained from Ensign Dickson's having deposed to my having come up to him on Parade; and said to him—"Dickson. I don't think you will get into the Light Company as from what Capt. Brough has said to me I think he will prevent your getting in."—For Lieut. Kennedy has deposed that the conversation on this subject took place at my house, and that the words used by me were—"that was all nonsense for I was sure from what Mr. Meldrum had told me of Capt. Brough having promised his interest with Colonel Williams in favour of Mr. Cooper, he (Cooper) and no one else would get it." Lieut. Kennedy further adds that he thinks that I could not then attend Parade, as to the best of his recollection I had just had a severe fall from my horse here, therefore, was a circumstance which, hope incorrectly stated could have been easily disproved, and which, if uncontradicted, must tend to impeach the credibility of Ensign Dickson. But the Prosecutor leaves this glaring contradiction to its fate and makes not even the slightest attempt to support the credit of his own witness.

There is, at the same time, a singular incongruity in the Prosecutor's thus using his important endeavours to call in question the veracity of Lieut. Kennedy. For much of the reply is occupied in shewing that this Officer is a witness for the Prosecution, and not for the defence. But the Court at an early stage of this trial decided that it was not competent for a party on a trial to impeach the credibility of his own witness. If, therefore, the remarks in the reply be correct a manifest illegality has taken place in admitting the evidence given on the reply; and the Prosecutor exhibits a most novel instance of a Party loading his own witness with every abusive epithet which his imagination could supply. But if Lieut. Kennedy's evidence the Court I may presume, will form a very different opinion from that which the Prosecutor has so indelicately, and so virulently laboured to convey. They probably will think that the unhesitating, and unembarrased manner, in which Lieut. Kennedy gave an open, clear, and consistent testimony, even though he may have made a mistake with respect to a date, is much to be preferred to the cautious, and unwilling manner in which the witnesses on the Prosecution, gave an evasive, inconsistent, and partial evidence. The one, perhaps in the judgment of the Court, will be considered as the surest indication that the witness had no other wish than to speak the truth, the whole truth, and nothing but the truth; and the other as betraying a deficiency of that candour, liberality, and love of truth which ought at all times to distinguish an Officer and a Gentleman.

An old proverb, also, says that he should not begin throwing Stones at whose house is made of Glass. But, never was such brittle evidence offered to a Court Martial as that adduced by the Prosecutor—for touch it however gently and it immediately crumbles beneath your fingers. Take for instance, this answer of Captain Lawson, the Senior Captain present with the Queen's Royals, to a question of the Prosecutor's.

Q. Did you ever hear the late Private Cooke called Mrs. McKenzie.

A. Yes, I heard him called Mrs. McKenzie on one particular occasion the only time that I ever saw Cooke on the disembarkation of the Regiment from Europe.

This certainly is a very particular occasion and one not likely to be forgotten. But, nevertheless, it is proved that Cooke was a Serjeant at this time; and Lieutenants Carruthers and Keith have deposed, that they were present when this expression was used, and that Cooke was then a Private—consequently, as he was reduced on the 15th July, at least five weeks after the Regiments disembarkation from Europe.

It would however, occupy the time of the Court were I to point out all the discrepancies and contradictions contained in the evidence on the Prosecution. Nor can they possibly have escaped the observation of the Court. But I consider that my case, has most materially suffered by the very evasive manner in which the Prosecutor, and his witnesses have replied to my questions. For it has been perfectly impossible for me to obtain a direct answer to any question, which had the least appearance of being advantageous to me. To give a very remarkable instance of this evident determination to avoid strictly and appropriately answering a question I will refer to the following questions put to Ensign Dickson.

Q. Do you think that a person situated as I was on board ship could have had a criminal intimacy with any man without its being immediately known?

A. I do think it passible.

Q. Explain in what manner?

A. There was a Private cabin of Lieut. Kennedy's in which the intimacy might have taken place.

Q. Was not this cabin always open and generally frequented by the Officers on board ship.

A. It was for six or eight weeks after we sailed generally frequented by the Officers; but during the latter part of the Voyage none of the Officers went into it except myself and Lieut. Mckenzie.

Q. Did you ever either on board Ship or at any other time observe any thing improper in my conduct towards Cooke or Croke's towards me?

From this series of questions it must be obvious that Insign Dickson could not possibly misunderstand the meaning here attached to the word improper. But he replies.

A. I have seen you talking with familiarity to him, and frequently giving him tiffin in D. Kennedy's Cabin. I don't recollect having seen at any thing improper at Colaba what Ensign Dickson means by talking with familiarity I know not but he is the only witness that has deposed to such a circumstance; and as this alleged familiar conversation and the giving of Tiffin to Cooke took place openly it is obviously impossible to discover in these supposed occurrences any improper or scandalous intercourse from which a criminal intimacy could with the slightest justice be inferred. But it is by such trivial circumstances and by the very peculiar manner in which they have given their evidence that the Prosecutors witnesses, not daring to assert that a criminal intimacy did exist between me and this individual, have malignantly endeavored to injure my reputation and honor by raising a presumption in the minds of the Members of this Court and of the persons frequenting it that such an intimacy did actually subsist, though it was of course impossible to give direct and legal proof of its having actually taken place.

If not for this object to what other cause can be ascribed such answers as the following?

Q. to Captain Lawson, what was there in the reports you heard that induced you to be of opinion that they were highly disgraceful to me?

A. The conclusion that would naturally be formed from an intimacy subsisting between a master and a Servant or an Officer or a Soldier.

Q. Describe the conclusion you mean to say would be naturally drawn.

A. I never saw the parties together formed my opinion entirely from report, and I thought it extremely improper indeed that such an association should subsist.

Q. To Captain Graham did Major Johnstone and the Adjutant inform you that I had been *repeatedly* ordered (as you have deposed) not to employ Cooke?

A. Each of them told me that he had once if not twice ordered you.

Q. Did you believe these reports (of an unnatural crime on the part of the Prisoner and Cooke previously deposed to by the witness.)

A. I did.

Q. What induced you to believe them.

A. The extraordinary attachment that there seemed to be between you and Cooke &c.

Q. Mention any particular instances of attachment to Cooke that you ever witnessed on my part.

A. As Serjeant I have seen him on board Ship employed about your person, once carrying up your bed on deck, and doing other services, although he was ordered not to do so by the Adjutant.

Lieutenant Cooper.

Q. By the Prosecutor what was the nature or tendency of the observations that were generally made on this subject.

A. That an undue intercourse subsisted between the parties.

Q. By the Prisoner what do you mean by undue intercourse

A. Too great an intimacy between an Officer and a Soldier.

Q. You do not mean a criminal intimacy.

A. I do not.

Lieutenant Dalway.

Q. By the Prosecutor Did these circumstances give rise to reports prejudicial to the prisoner, and if so what were they.

A. Yes, reports respecting an intimacy of an indelicate nature subsisting between the Prisoner and Cooke?

Q. By the Prisoner Did you ever hear any Officer or Officers expressly say that an intimacy of an indelicate nature subsisted between me and Cook?

A. I never certainly heard any Officer say so expressly.

Q. Did you ever say so yourself?

A. I may have said so, but I cannot recall any particular conversation to my recollection.

Q. What were your reasons for forming such a conclusion?

A. The intimacy that subsisted between the Prisoner and Cooke.

Q. Did you ever at any time witness any instances of intimacy between me and Cooke if so, state them?

A. On board Ship I have seen Cooke, when a Serjeant bring down your bed which was an improper thing for a Serjeant to do. I cant call to my recollection any other instances!

Such, Gentlemen, is the invariable tenor of the evidence given on the Prosecution by the Officers of the Queens Royals; and I appeal to you whether there was ever an instance where the solemn sanction under which this testimony was given was so completely disregarded. For that Oath requires that a witness shall to the best of his knowledge speak the *whole truth*! and if he intentionally conceals or disguises a single circumstance material to the case of either party he both legally and morally infringes that Oath. But can the Officers of the Queen's Royals, who have been examined on the prosecution, conscientiously declare that their evidence was given without the slightest wish to suppress or misrepresent the truth; or, on the contrary, was not every question in the lesst beneficial, to my cause either evaded or an answer to it merely obtained after the laborious process of Cross-examination.

It might have been expected that when the Prosecutor found his evidence so defective and so questionable he would have refrained from attracting the Courts attention to the most miserable apology for proof that was ever produced in a Court of Justice. But his Reply fully shews that he is completely unacquainted with the most simple principles of evidence. I must, however, honestly confess that of this strange composition no doubt intended to be extremely forcible and convincing I cannot understand either the purport or the object. But as far as it is intelligible to me it appears that twenty four Sheets of paper have been occupied in an attempt to persuade the Court that it is not incumbent on the Prosecutor to prove the charges which he has preferred against the Prisoner; and that the bare ascertions and suppositions of the Prosecutor and the bare surmises and conjectures of his witnesses are perfectly sufficient evidence for the conviction of the Prisoner, had however the Posecutor referred to the Law-books which he mentioned one day he found it necessary to consult he would have learned that the proof of the charges his with the Prosecutor, and that if he fails in substantiating them by legal evidence the Prisoner must be acquited, whether he offers any defence or not. In this very case, if I may be permitted to make the remark, the Prosecution or being closed appeared to me to be so totally unsupported by the matter recorded on these Proceedings that had it not been for the false and calumnious intimations contained in the 1st and 3d charges, I should have considered that a defence was altogether unnecessary. But the criminality implied in these charges was of too serious a nature to admit of my being contented to owe my acquittal to the mere failure of the Prosecution. In vindication therefore of my own character I have deemed it an imperature duty to evince to this Court that no conduct on my part ever gave rise to the reports which have, been circulated to my prejudice, with the most anxious solitude, but with that confidence which concious innocence invariably inspires, I have throughout this protracted trial used every means in my power to discover the author of these reports and the circumstances from which they originated, in this attempt the extremely defective memories of the Prosecutors witnesses have prevented my being completely successful; but I may hope that sufficient evidence has been laid before this Court to convince every unprejudiced person that these reports originated solely from the perverted imaginations of some Officers of the Queens Royals and not from the slightest impropriety of conduct on my part.

On this point the following singular, and as proceeding from a Officer and Gentleman truly unaccountable remarks occur in the Reply. "But the Prisoner himself by his own act rendered that course impossible, In his very first question to the Adjutant he tore off the veil of delicacy from the subject by a direct and pointed question, which, from its very nature could admit of no other answer than one, in which this abomination must unavoidably be a prominent feature. But we have not far to seek for a motive quite sufficient to account for this abrupt and early departure from that line which a due regard to decency ought to have prescribed. He let the cloven foot be seen in his letter to me in which he had the audacity to menace me with a civil action"—Good God! is it an Officer and a Gentlemen, is it the Commanding Officer of a Regiment, who thus publickly avows in a Court of honor and before a number of young men just entering the Army, that it is his opinion that I ought to have remained perfectly passive, and allowed the Prosecutors, witnesses to express opinions clearly and unequivocally charging me, with the most abominable of vices without making a single affort to disprove, by the mouths of these very witnesses themselves, such a base and groundless calumny. If this be really the opinion of the Prosecutor. I thank God, that I have been taught to entertain very different sentiments with respect to the solicitude with which an Officer and a Gentleman ought to guard his character, from aspersion and the mode of proceeding which, when his reputation has been impeached however groundlessly, he ought to adapt in order to prove that the attempt to stain his unsullied honor can reflect disgrace not on him, but on those who originate, propagate, and support calumnious reports intended to prejudice his character.

The Prosecutor, no doubt, as he conceives conjecture and opinion to the evidence, would have been gratified by my remaining silent, and not compelling his witnesses to depose to the trivial circumstances, which, it appears, have led them to suspect or believe that a person, whose conduct they admit has been always of that an Officer & a Gentlewan, was addicted to unnatural practices. But both my legal knowledge (if I posses any) my morality, and my sentiments of honor have been learned in a very different school from that in which the writer of the reply seems to have been educated. Assisted by the first I have been partially enabled to refute the charges by the Prosecutor's own witnesses, and it also, induces me to believe that the novel exposition of the rules of evidence contained in the reply will make no impression whatever on the minds of the Members of this Court. Nor will they, I presume, concur in thinking with the Prosecutor that the Judge Advocate General has compromised his character by giving it as his opinion that McHugh was a useless witness on the defence. For if the Prosecutor intended to prove that any impropriety or criminality attached to me in consequence of this man being found in my house on the night of the 5th May, it was incumbent on the Prosecutor to establish this fact and not for me to prove the negative to this essential rule of evidence, also, the Prosecutor's attention was directed by the Judge Advocate in the Remarks which he delivered to the Court on the Twelfth days Proceedings. As therefore, the Prosecutor did not attempt to prove or even assert that any criminality in consequence of McHugh's coming to my house was attributable to me it was obviously unnecessary

that I should defend myself before I was accused or before any thing said in this Court had rendered it in the least requisite; and as, also, it was notorious that no information on the subject could be elicited from McHugh it must be apparent that the calling him into Court could not have answered any purpose whatever. But it is extremely singular that the Prosecutor should in the Reply quote a passage from Gilbert's treatise on the Law of Evidence, which, if he had understood, he must have perceived proved directly the contrary of the opinion which it was adduced to support. For the Law holds that the Prosecutor must prove every allegation which inters into the substance of the Charge consequently if the motive which led McHugh to my house be a material part of the 3d Charge it was incumbent on the Prosecutor to prove it and therefore, his not producing McHugh or Serjeant Russel and the men who accompanied him clearly comes under that very rule of evidence which he has himself quoted, and I will in consequence requote it. "For if it be plainly seen in the nature of the transaction that there is some more evidence that doth not appear the very not producing it is a presumption that it would have detected something more than appears already, and therefore the mind does not acquiese in any thing lower than the utmost evidence the fact is capable of." Can the Prosecutor have for a moment thought that he was adhering to this rule of Law in adducing the evidence which he has brought forward in support of the 3d Charge. By conjecture, hearsay, and opinion he attempts to raise a presumption that McHugh came to my house for the most abominable purpose; but every witness who could have placed the occurrence in its proper light. The Prosecutor has most cautiously abstained from producing before this Court. The legal presumption, therefore above quoted has been most fully verified in this instance for it now clearly appears that much would have been detected, which the Prosecutor was most anxious to conceal, had all the evidence applicable to this charge been produced on the Prosecution.

It is not, however, on this point alone that the Prosecutor has ventured to contest the correctness of the Judge Advocates legal observation. But such remarks as he has indulged in affect not the Judge Advocate, and merely evince the Prosecutors profound ignorance both of law and of the practice of Courts Martial for the slightest acquaintance which either would have shewn the Prosecutor that Lieut. Eyre was not called upon to give hear-say evidence on any point; but to speak to the second allegation in the 3d charge, and to prove that, as soon as I became acquainted with the reports in circulation to my prejudices, I immediately adopted the only means in my power to discover what the motives were which had led there the two individuals seen in my house on the 5th of last May. Lieut. Eyre, therefore at my request endeavoured to obtain the requisite information from McHugh. But this man's real or pretended ignorance of his comrade of either his name or, person, has rendered abortive every attempt to discover the cause or object of these two men's coming to my house on that night. If, however, any thing could have been extracted out of this man which could have supported the abominable insinuation contained in the 3d charge the Prosecutor's rank and situation gave him every facility of procuring a testimony which would, no doubt, have been particularly grateful to him.

So far I have been able to understand the remarks contained in the reply, But when I examine it in the expectation of finding either argument or application of evidence not the semblance of either can I discover; but in its place irrelevant and highly objectionable reflections on persons in no manner parties or witnesses on this trial, and a gross infraction of that rule of Law, of the common sense, and common delicacy which restricts the Prosecutor from all attempts to aggravate the the specific offences on which the Prisoner has been arrived. To enter, however, into an exposure and refutations of these attempts would lead me into too long a discussion, and it would, at the same time, be unnecessay as I may confidently rely that the unsupported assertions of the Prosecutor will not make any impresion whatever on the minds of the Members of this Court. I shall therefore, merely beg leave to extricate the subject from the heap of rubbish under which the Prosecutor has berried it and to take the liberty of recalling your attention to the real merits of the case which now awaits your decision.

The first charge, Gentlemen, consists five distinct allegations.

1st. That an undue intercourse existed between me and the late private William Cook.

2d. That I was cautioned and ordered repeatedly to discontinue such intercourse.

3d. That I existed in this undue intercourse after I had pledged my words to the Adjutant that I would discontinue it.

4th. That this undue intercourse gave rise to disgracetul, reports.

5th. That I never attempted to clear myself from these reports, It hence appears that the four last allegations depend entirely on the first, and consequently, if the existence of the undue intercourse be not proved, the other four allegations rest on no foundation whatever. But on the inconsistent, contradictory and totally futile evidence which the Prosecutor has adduced in support of the first first of these allegations I have already sufficiently remarked. For I may presume that the Court will not consider the cutting ones hair, the taking care of a Canteen and Wardrobe, the occasionally carrying up and down a cap on board ship, the bringing a kettle of boiling water for breakfast, the waiting at table and the cleaning plates and dishes after having done so the occasional, or if the prosecutor chooses the frequent, obtaining a glass of brandy and water from one's Servant, or even a Soldier's bequeathing his few necessaries to and Officer from whom he had received kindness to be in the slightest degree instances of an undue intercourse. But these are the circumstances as recorded in evidence on these proceedings from which the Officers of the Queen's Royals have not only inferred amongst themselves but insinuated in a public charge that an unnatural intercourse must have subsisted between me and this man Cooke. The Prosecutor has indeed, attempted in the course of this trial to restrict the meaning of this charge merely to conduct on my part unbecoming an Officer. But, admitting this explanation, I know of no improper intercourse that can exist between an Officer and a Soldier except the treating him with so much familiarity or the actually associating with him. The Court will recollect that the evidence of the Prosecutor's witnesses when examined by him strongly tended to raise a presumption, if not to prove that such had been really the manner in which I and Cooke lived together. But when cross-examined by me not one of them could depose from his own personal knowledge that I either associated in any manner with Cooke or treated him with familiarity; and Smith the servant of Captain Jackson with whom I lived, and Liutott my own servant, who had the best means of knowing, have deposed that they never saw any thing of the kind. The answers, however, of my most intimate friend Lieut. Kennedy to the following questions will set this point completely at rest.

Q. Did you ever observe any thing in my conduct towards my Servants, or persons employed by me, which could afford the slightest grounds for such reports as are alluded to in the 1st and 3d Charges now before the Court.

A. Never I never saw servants so respectful to their Masters as yours were to you.

Q. On board ship did you ever see me treat Cooke with the least familiarity or intimacy.

A. Never, in the slightest degree.

In defending myself against this charge the reasons which compelled me to question the credibility of Lieut. and Adjutant Littlejohn seem to have been entirely misunderstood by the Prosecutor: But the Court will observe that the allegation with respect to my having forfeited my word rests on the single uncorroborated testimony of Lieut. Littlejohn, and in my own vindication, therefore I was obliged to shew that this Officer's evidence was not entitled to implicit credit. On my principal objection, however to his credibility no remark is made in the Reply. But as Lieut. Littlejohn depose that he told me in July 1825 that I had in consequence of my intercourse with Cooke, lost the confidence of the Commanding Officer and the Prosecutor deposes that he never heard any Reports to my prejudice until the 10th of last May, it is obvious that these two depositions cannot both be correct. The Prosecutor, therefore, may make his selection, and if he thinks fit reestablish the credibility of his Adjutant at the expence of his own veracity.

With respect to the 2d charge the infraction of the strict letter of the kings Regulations I have admitted But it has appeared in evidence that the circumstance herein stated was brought to the notice of Colonel Fitzgerald in a manner with which he was satisfied, and in which, I believe, similar communications are most frequently made.

The 3d charge rests entirely on a most abominable assumption, and one which betrays a complete ignorance, either real or affected, of human nature. For it is assumed that I ought to have anticipated that the occurrence which took place in my house on the night of the 5th May last would have opposed me to a suspicion of being addicted to unnatural practises. But had I considered this occurrence of importance I should have then most justly subjected myself to the very reports which were afterwards circulated in consequence. For Guilt is easily alarmed, and the merest trifle which might have a tendency to lead to its detection immediately spites precaution, and thus, as numerous instances prove the very means adapted to secure concealment have often been the first and surest indications by which it was discovered. Innocence, on the contrary, can suspect nothing, and consequently the very circumstances of my not having taken any measures whatever indicative of a guilty consciousness must be the strongest of all proofs and of the total falsity of the accusation contained in this charge.

An importance, also, is attempted to be attached to the first part of this charge by assuming that my attendance at McHugh's trial was indispensable and that McHugh would have received a severer punishment had I prosecuted him personally. But this is a most singular supposition for this man was convicted, and my evidence, therefore, could not have been necessary; and it must be obvious that after conviction the Court Martial could not with propriety have awarded any other punishment than such as was proportionate to the offence charged.

There is, at the same time, a singular confusion of ideas in this part of the Reply. For the Prosecutor argues that the 2d charge is extremely serious, because it is infraction of the strict letter of his Majesty's Regulations; and yet contends that although the Custom of the Lerview and an express Regimental Order prohibit an Officer in the Sick List from leaving his quarters, nevertheless, I ought to have disobeyed this Order and to have attended the Court Martial which tried McHugh. What does the Prosecutor mean? If a deviation from strict obedience to Orders renders one culpable with respect to the offence specified in the 2d charge it must necessarily follow that a strict adherence to orders ought to penerate me completely from the culpability imputed to me is the first part of the 3d charge.

But it is most singular that after all that has occured during this trial, the Prosecutor cannot comprehend that it is indispensable to prove the Prisoners knowledge, before he can be held responsible for the consequences of an act done by a third party. To quote therefore the absurd remarks contained in the reply respecting the alteration of the crime on which McHugh was tried not having been communicated to me would be uselessly occupying the time of the Court. But you, Gentlemen, will no doubt be of opinion that I am not in any degree responsible for the consequences resulting from the particular wording of a Crime which I neither framed, nor saw, nor ever heard of.

After these general remarks I may observe that this Charge of only two distinct allegations.

1st That I neglected the requisition of the Commanding Officer of H. M. 20th Regiment to attend the trial of Private Charles McHugh.

2d That I neglected to take any measure to explain the extraordinary circumstance stated in the Crime on which McHugh was tried.

For the concluding part of this Charge is merely an inference drawn by the Prosecutor.

But on the principle on which the 2d Charge is framed it is obvious that I cannot be guilty of the first of these allegations, for I was at the time in the sick list and consequently precluded from leaving my Quarters. It is equally clear that my attendance at that trial was not necessary as the conviction of the manfully proves.

The 2d allegation rests on the assumption that there was something which I ought to have taken measures to explain. But what this something was I have in vain endeavored to discover from the examination of both the Prosecutor and his witnesses. The Prosecutor indeed, in these answer to a questions of mine positively contradicts the words extraordinary circumstance" contained in the allegation."

Q. To what do the words "extraordinary circumstance in the 3d Charge refer to."

A. To the man McHugh having been found concealed in Lieut. McMenzie's bed.

Q. What is there in the circumstance, of a man being found in an unoccupied bed in a Gentlemans, house which should induce him to take any measures for defending himself against, a suspicion of being addicted to un-natural practices?

A. I do not suppose that there is a person in this Camp would betaxed with a circumstance so revolting to one's feelings; and I can only conclude that, that circumstance with respect to Mr. McKenzie had a strong weight with those individuals who had heard the reports at Colabah as well as with those Officers who came out in the same ship with him from England.

It hence appears that I now stand a prisoner before this Court for the singular, offence, unheard of in Military jurisprudence, of not taking measures to explain the constructions which some of the Officers of the Queen's Royals though fit to put on a circumstance which the Prosecutor himself deposes was in no respect extraordsuary, and which constructions they never communicated me. The Prosecutor has already avowed his abhorrence of special pleading, but in framing his charges and in adducing evedence in their support he seems to have an equal eversion to common sense, and to the most simple principles of logical reasoning. This charge, therefore, I may presume the Court will be of opinion remains unsupported by any proof whatever; as they will not consider me responsible for the acts or impure conceptions of others of which I was entirely ignorant.

On perusal the 4th charge appears of a serious nature; but when submitted to the test of proof its importance immediately disappears. For the word *repeatedly* is found to mean two instances only, for one of with, the employing Foy for three days, I have been already censured by the Prosecutor; and with respect to the other it appears that I had the permission of the Officer then in charge of the Company, and that during nearly four months that he was in my Service no objection was made to my retaining him on my compliment nor was he ever ordered to return to his duty. I consumtively declare, therefore, that I was ignorant that I was committing any impropriety in keeping him in my employment; and had delicacy not prevented me. I could, I am firmly convinced, have proved that not an Officer in the Regiment previous to the contemplation of this Trial ever obtained either Officially or privately the permission of the Commanding Officer before he employed a Soldier as a Servant. The evidence, also, recorded on these proceedings will sufficiently shew that, although a Regimental, Order does exist prohibiting unmarried Servants from sleeping out of Barracks, still this order was not attended to by the Officers of the Regiment.

The 5th charge, may I be allowed to remark deserves the most marked reprehension of the Court, for it implies a culpability which the Prosecutor never intended to prove. The meaning it evidently conveys is to an accusation of my being addicted to keeping low company, and such is the construction which has been generally ascribed to it. But, when the Prosecutor adduces evidence for its substantiation, all that is proved is that I gave my servant permission, when I was not at home, to ask his brother and a friend to come and see him; and that in consequence of this permission, during nearly four months that he was in my service, his brother and one Serjeant came once to my house and on a second time his brother and two Serjeants. But it is fully proved that when they were I neither was in nor about my Bungalow.

Such, Gentlemen, is a brief but complete analysis of the charges and of the evidence adduced in their support; and to them, therefore IF WE BELIEVE THE REPEATED OF ASSEVERATION OF THE PROSECUTOR THAT HE NEVER INTENDED TO ACCUSE ME OF ANY THING MORE THAN UNSPECIFIED CONDUCT, the following Remarks of the Right Honorable the Commander in Chief in India on confirming the Sentence of a General Court Martial lately held at Barrackpoor are strikingly applicable. "His Excellency further considers it necessary to declare his decided disapprobation of a system, which appears to have obtained in this case, of uniting a number of charges, each considered separately venial or trifling, to form grounds for bringing an Officer to a Court Martial which should only be resorted to in extreme cases." But how can credit be given to this asseveration of the Prosecutor. For if such had been his intention why should the message brought to me by assistant Surjeon Campbell previous to framing the charges? why did he transcribe the crime on which McHugh was tried into the 3d charge, why denominate the occurrence therein stated an extraordinary circumstance? why make use of the ambiguous expression undue intercourse in the 1st charge? why pertinaciously retain the latter part of these two charges? why put, on this trial, the following question to Smith and Liutott, did you not remark with an oath on that occasion that there must be some unnatural connexion between Mr. McKenzie and Cooke? why ask Captain Lawson and other Officers as well as Privates if they ever heard Cooke called by a female name? and in short what was the principal tendency of the whole evidence given on the 1st and 3d charges. And yet the Prosecutor has declared under the solemn sanction of an oath. "I here again state that I mean the words undue intercourse merely to attack to a military offence" could the Prosecutor suppose that by making such a declaration he exonerated himself from the responsibility attached to the wording of charges; and that this Court would believe such an assertion in opposition to the plain and unequivocal meaning of the charges himself.

The Prosecutor, in indeed in various addresses to the Court, has insisted much on its being his bounden duty to prefer these charges. But he forgets that it was equally his bounden duty, before he accused an Officer, even by implication, of the most abominable of vices, to ascertain most carefully whether or not there were sufficient grounds for so serious and injurious a charge. The Prosecutor, however, admits that he made no further enquiry than calling on me for an explanation of the occurrence that took place in my house on the 5th May last, and procuring and reading the Proceedings of McHugh's Court Martial. Four Captains and the Adjutant of the Regiment appeared to him to be quite sufficient authorities for his taking public notice of the reports which they communicated to him. Nor do I complain of his forming this opinion and had he remained perfectly impartial and acted merely as a Commanding Officer of the Regiment, leaving my accusers and myself to substantiate and refute whatever culpability was imputed to me, his conduct in this business would have been, I admit, perfectly unexceptionable.—But I may with Justice complain that he decidedly espoused the cause of my accusers, and actually pronounced me guilty unheard, and without affording me the slightest opportunity of either knowing who my accusers were, or of disproving their secret calumnies.

So completely indeed has the Prosecutor identified himself with the whole of these accusations that he now seems to consider it essential to his own character to ensure my conviction, should it not however have been more dignified, more consistent with the conduct which his Majesty's expects from every Officer entrusted with the command of a Regiment, to have cautiously avoided entertaining any bias on the subject, & to have afforded me that support and protection which impartial Justice requires. If, however, bias cannot be altogether prevented, ought not the only solicitude which the Prosecutor should have entertained been the wish that I might be acquitted of a Charge which, if proved, would reflect so much disgrace on the Regiment. But how different has been the conduct of the Prosecutor? On the 11th May last, he sends for me, and after some conversation flies into a violent passion because I could not perceive that any impropriety attached to me in consequence of a man having been found in an unoccupied bed in my house whom I had myself apprehended and caused to be confined as the Prosecutor well knew, and addresses me in these amongst other similar expressions. "You asked leave to go to Bombay. I'll take devilish good care you do not go, you shall never sailing as you stay in the Regiment have leave, and if I can find an opportunity I'll bring you to a Court Martial and break you if possible." This was said the Prosecutor states in anger, but it is at the very moment when passion banishes all concealment that the truth is often rashly spoken. On the afternoon of the 13th May he sends the assistant Surjeon with a message urging my immediate departure from the cantonments; and about two hours after on the same afternoon he assembles a meeting of the Officers, and without specifying any particular grounds, proposes a vote expelling me from the society of the Officers, of my Regiment which vote is, *of course*, carried unanimously, such was the Prosecutor's conduct in the commencement of this affair, and the manner in which he has subsequently acted is in evidence before this Court, to whom I leave it to decide whether his mode of proceeding towards me in and out of Court has been marked with lenity, or whether it has not, on the contrary, borne every character of prejudice and dislike, and betrayed the most unequivocal wish to remove me by any means from the Regiment.

(To be Continued.)

Appendix to the Bombay Gazette.

WEDNESDAY, 1st NOVEMBER 1826.

(Continued from the last Page)

McMahon, transferred...Date of appointment 16th September 1826.

Pioneer Battalion.

Lieutenant J. B. Levery, to be Adjutant, vice Laing, promoted—Date of appointment 16th September 1826.

Bombay Castle, 24th October 1826.

No. 309 of 1826—The following General Order, issued by the Supreme Government, is republished for the information of the Army under this Presidency.

No. 229 of 1826.

General Orders by the Right Honorable the Vice President in Council.

Fort William, 29th September 1826.

The Right Honorable the Vice President in Council is pleased to direct, that the following Extract (Paragraphs 10 to 13) of a General letter from the Hon'ble the Court of Directors in the Military Department under date the 19th April 1826 be published in General Orders.

PARA. 10. "We concur with you in opinion that a participation in the Off-reckoning Fund should not be continued to Officers in Command of Irregular Corps. The exceptions proposed by you to this rule we think reasonable and judicious.

11. We therefore direct, that Regimental Lieutenant Colonels who shall be compelled by ill health to become Invalided and shall be appointed to the Command of Invalid or Provincial Battalions, be allowed to receive the full surplus Off-reckoning of their respective Corps, and that Regimental Majors, compelled to become Invalidid under similar circumstances, shall, if appointed to the Command of Invalid or Provincial Battalions, be allowed to receive a share of surplus Off-reckonings proportioned to the established strength of their respective Corps, not exceeding in any case 4000 Rupees per Annum.

12. The Clothing Agents who shall be appointed to the charge of such Office subsequently to the receipt of the present Order, shall, in lieu of all other emoluments, receive from the Off-Reckoning Fund a share equal to that received by Officers succeeding to the Command of Regiments after 1st May 1826: but such Officers as stand appointed to the situation of Clothing Agent are to continue in receipt of a full share so long as they hold their appointments.

13. With these exceptions no Officer who shall be appointed to the Command of an Irregular Corps, subsequently to the receipt of this dispatch, shall be allowed to share in the surplus Off-Reckonings.

Invalided Lieutenant Colonels entitled to Off-reckonings, shall receive, agreeably to the foregoing Regulations of the Honorable the Court of Directors, the full surplus Off-reckonings of their respective Corps from the 1st Proximo.

(Signed) W. CASEMENT. Lt. Col.
Sec. to Govt. Military Dept.

Bombay Castle, 24th October 1826.

No. 310 of 1826.—The following Appointment is made.

1st Grenadier Regiment N. I.

Lieutenant F. Clibborn, to be Adjutant, vice Teasdale transferred.—Date af Appointment 16th September 1826.

By Order of the Hon'ble the Governor in Council
D. GREENHILL,
Act. Sect. to Govt.

NOTE TO CORRESPONDENTS.

The continuation of Koolaboos ingenius manuscript has been received, but from the length of the General Orders and other causes we are obliged to postpone its insertion till next week. As it would be more satisfactory to us we will thank Koolaboo to send us his real name, which he may rely on being kept secret should he so wish it.

EXCHANGE.

On London 6 month's at 1 | 9 to 1 | 10.
Calcutta .. 90 days 103 Bombay Rs. per 100 Siccas.
Madras, .. 30 days, 99 B'y. Rs. per 100 Madras.
A five per cent loan open.

THE GAZETTE.

BOMBAY.

WEDNESDAY, 1st NOVEMBER 1826.

We have at length the pleasure to announce the arrival of the long expected Ship, the Royal George, Stephenson Ellerby Commander, from London the 18th June.

Passengers.—Mrs. Garraway and child; Mrs. Cumberlidge; Mrs. Day and child; Mrs. Dennam and five children; Miss Moore; Miss Blair; Major Garraway 17th Regt. N. I., Lieut. Cumberlidge 4th Dragoons; the Reverend Mr. Dennam; Mr. Kenneston writer; Lieut. Goodfellow Engineers and Mr. Dugald Campbell Cadet.

We have received Newspapers by this opportunity to the 14th of June, which puts us in possession of a weeks later intelligence than that brought by the Hannah.

They are replete with Electioneering matters, and in to-days Gazette will be found as much on these subjects, as our time and space would permit us to lay before our readers.

In addition to the List which we have published of members already returned to serve in the New Parliament, may be added the names of Mr. Huskisson, and General Gascoyne for Liverpool, and John Stewart Esq. of Bombay for Beverly —— Poor Cobbet we fear has no chance to represent Preston this time—he is only the fourth on the List, and his friend Hunt seems to be similarly situated.

The departures since our last, have been the Ships Hannah, Thos. Shepherd Commander, to China.

The armed Ketch Vigilant, Doss Mahomed Syrang, to Rutnagerry, and the Cornwallis, D. Hardie Commander, also to China.

Passengers by Hannah.—Major J. Brown, and C. W. Martin Esq.

Do. by Cornwallis.—Lieut. McDonald and family.

Notwithstanding the many difficulties, we have had to contend with in publishing the Proceedings of Lieut. McKenzie's Court Martial, from the contrariety of opinions that have been voluntarily tendered to us; the utter nonsense into which the Purvoe converted a great part of them, and the worse than nousense which our Printers Devils made of them, afterwards in puting them into type, we have succeeded in completing the publication of the whole in this week's Gazette, and having already given the Text, we leave our readers to draw the commentary now that the entire case is before them, not wishing to add any further remarks of our own upon the subject.

BOMBAY COURIER.—OCTOBER 28.

On a former occasion we directed the public attention to the numerous mendicants and vagrants that infest Bombay, but it would appear to little purpose, as far as regards their diminution. We still trust, however, that something will be ultimately done to ameliorate the condition of those who are really objects of compassion, and at the same time to prevent the idle and abandoned from sharing the fruits of that charity which ought to be exclusively devoted to the relief of the unavoidably indigent. The practisers of mendicity may be divided into three classes, viz. those who from bodily infirmity, disease, and old age, cannot possibly procure a livelihood by their own labour,—religious mendicants, and vagrants who are able but unwilling to work for a subsistence. The first class, we are sorry to say, is a numerous one, and presents among its numbers some of the most loathsome and disgusting objects that can possibly be imagined, but who are notwithstanding at present allowed to wander about the streets, or take their stations on the sides of the public road: Surely there is enough of misery in being visited with blindness, paralysis, leprosy, or helpless and impoverished old age without the necessity of exposure, under such circumstances, day after day, in the dusty roads, under a tropical sun, to obtain a scanty and uncertain means of subsistence. Some system ought to be adopted, by subscription or assessment for the regular and certain relief of this miserable and unfortunate class of the community; and we beg strongly to draw the attention of those to the subject, in whose province it may be to originate regulations such as would be required to effect the object to which we have alluded. In regard to religious mendicants, they must be tolerated, at least in the native part of the town; but we think they might be brought to spare us a little of the abominable howling and yelling which many of them appear to think a most acceptable part of their devotional exercises. As to the vagrants, or sturdy beggars as they are called in England, we would have no mercy on them. Though stout and hale, and able to work, they beg merely from a sheer idle disposition, and also bring up their children as beggars, and thus form a hot-bed of crime, the fruits of which must sooner or later be felt. The tread-mill might be employed as a means of teaching industry to the last class; at all events something ought to be done to remedy the evil. But if any person wishes to form a correct view of the state of mendicity at this Presidency, let him visit the Fort on Sunday, where on that day the lame, blind, diseased, lazy, and idle, generally assemble from all parts of the island, for the purpose of laying the inhabitants under weekly contribution. The town is literally turned into one great LAZAR-HOUSE, and the noisy importunity, brawling and fighting of the different claimants, is by no means calculated to excite feelings of compassion; in fact, they are more likely to give a lower opinion of human nature than it deserves. We hope this short notice of an evil which has grown up to a great height, will lead to the application of an effective remedy, if it is merely so far as to prevent society being infested with idle vagabonds and impostors.

BOMBAY.

ARRIVALS.—Lieut, J, A, Eckford, 19th Regt, N I,
Asst, Surgeon J, Crawford, 26th Regt.
Capt, R, Woodhouse, 6th Regt,
Lt, and Adjt, R, St, John, 2d B, E, Rt,
Surgeon J, T, Conron, M. Establishment.
Lieut, P, D, Ottey, 11th Regt,
Cadet Campbell,
Major Garraway, 17th Regt,
Lieut, Goodfellow, Engineer,
Asst. Surgeon Wm, Rowland,
Lieut, G, J, Mant, Fort Adjt, Surat,
DEPARTURES.—Lieut, J, Dawes, 15th Regt,
Ensign J, Mantgomery, 15th do,
Lieut. J, Landon, 16th Rt,
Major J, Brown, 25th Rt,
Ensign John Ramsey, 9th Rt,
Ensign H, J, Christopher, 11th Rt. N, I,
Ensign H, W, Budden, 18th Regt,
Ensign F, Twynam, 21st Regt,
Capt, W. Jacob, Artillery
Capt, Goodiff, 15th Regt,
Ensign F, D, Bagshaw, 5th Regt,
Lieut. J, D, Hallett, 3d Regt.
Ensign W. B. Salmon, 19th Regt,

NAUTICAL CHRONICLE AND NAVAL REPORT.

BOMBAY.

ARRIVALS —October 28th Ship Royal George (Free Trader), Stephenson Ellerby Commr. from London, 18th June, Spoke the Ann for Amelia, on the 16th Aug. bound for China.

Passengers per Royal George—Major Garraway, 17th Regt, N, I, Mrs, Garraway, and child, Lieut. Comberledge, 4th Dragoons, Mrs, Comberledge, Mr. Kenniston, Writer, Lieut, Goodfellow, Engineer The Reverend Mr. Dennam, Mrs, Dennam, and 5 children, Mrs, Day, and 1 child, Miss Moore, Miss Blair, Mr, Campbell Cadet,

DEPARTURES—October 24th Ship Hannah, Thos Stepherd, Commr, to China,

Do, 27th Armed Ketch Vigilant Doss Mahomed Syrang, to Rutnagerry,

29th Ship Cornwallis, D, Hardie, Commr, to China.

Passengers by Hannah—Major J, Brown, C. W. Martin, Esq,

Per Cornwallis—Lieut, McDonald, and Family.

SHIPS LOADING.

English.—Recovery, for London.
Providence, for Do.
James Scott, for Do.
Constance, for Mauritius.
Sophia, for Persian Gulph,
Arab—Brig Antelope, for Do.

CALCUTTA.

ARRIVALS.—October 10, French Brig La Suzanne C. Trelo, from Bordeaux 11th June.

October do. 11. Brig Resource, W. Barrington, from Coast of Sumatra 15th September.

Passenger per French Brig La Suzanne:—Mr. Louis Scheamm,

DEPARTURES.—None,

The Bark Snipe, Brig Eliza, and H. C. Brig Freak, gone to sea on the 10th October,

STATIONS OF VESSELS IN THE RIVER,
OCTOBER 10, 1826.

DIAMOND HARBOUR:—H. C. Ships Marchioness of Fly and Prince Regent—Melpomene on her to Town—La Suzanne (F) passed up—Ternate (H. C. C,) Asia Felix, and Brig Pallas, passed down.

NEW ANCHORAGE:—H. C. Ship Dunira.

MADRAS.

ARRIVALS—Oct. 15, H. M Schooner Cochin, C. S. O'Neill, from Trincomalie; 16. Ship Hercules, W. Vaughan, from London 21st June,

DEPARTURES—Oct. 14, Brig William, G. F. Andrew, for Malabar Coast and Bombay; do. Brig Dolphin, L. A. Lessa, for the Northern Ports; do. Ship Jane, W. L. Moncrief, for Point de Galle; 15, Ship Georgiana, W. Haylett, for the Cape and London; do. Brig Theodore, H, Langlois, for Mauritius; 16, Ship Lady Holland, Snell, for London; 17, H, M, Schooner Cochin, G, S, O'Neill, for Trincomallie.

MARRIAGES, BIRTHS AND DEATHS.

BOMBAY.

MARRIAGE.—At Poona, on the 24th inst by the Reverend Randal Ward, R. D. Luard Esq. H. C. C. Service, to Mary Anna, second daughter of Major General Sir Lionel Smith.

BIRTHS.—At Bancoot, on the morning of the 4th inst. the Wife of Sub-Assist. Surgeon P. Cassidy, of a son.

At Rutnagiry, on the 16th inst. the Lady of George. Elliot Esq. Civil Service, of a daughter.

At Bangalore, on the 9th October the Lady of the Rev. T. W. Masse, Mysore Mission College of a Son

DEATHS.—At Secunderabad, Lieut. G, W, Thompson, H, M, 30th Regiment.

CALCUTTA.

MARRIAGES.—At Calcutta, on the 16th September, by the Reverend James Brown, at No. 11, Hastings' Street, Mr, William Kemp, firm of Burn and Co., to Miss Mary Smith.

At Calcutta, on the 30th September last, at the Principal Roman Catholic Church, by the Reverend Fre Musquita, John Paternoster, to Mary Ann, eldest Daughter of William Bason, Esq.

At Serampore, on Saturday, the 7th October, at the Roman Catholic Church, by the Reverend Fre Antonio V, M, Texeira, Mr, N, J, Gantzer, Assistant in the Office of Superintendant to the Family Money at Barrackpore, to Miss Ann Charlotte, eldest Daughter of Mr, Augustin Alphonso, of that place,

At Cawnpore, on the 25th September, by the Reverend J, Whiting, Lieutenant Alexander Mercer, Second Extra Regment N, I, to Mrs, Mary Smith,

At Meerut, by Special License, by the Reverend H, Fisher, Captain Edward Gwatkin, Deputy Pay Master at Meerut, and eldest Son of Robert Lovel Gwatkin, Esq, of Killion, in the County of Cornwall, to Penelope, widow of Captain Alexander Bannerman, late Assistant Cemmissary General,

BIRTHS,—At his Residence in Chowringhee, on the 8th October, the Lady of Captain J. Taylor, Assistant Commissary General, of a Son,

At Calcutta, on Friday, the 6th October the Wife of Mr, M. J, Hopkins, of a Son,

At Serampore, on the 5th October, the Lady of John Brown, Esq, of Tirboot, of a Son,

At Dinapore, on Wednesday, the 20th September, the Lady of the Reverend Charles Wimberley, District Chaplain of Allahabad, of a Son,

At Moradabad, on the 13th September, the Lady of Mr, Dorrfngton, of a Son.

At Moradabad, on the 14th September, the Lady Dr, Alexander Davidson, of a Son and Heir,

At Moradabad, on the 20th September, the Lady of A, N, Ford,e Esq, C., of a Daughter,

At Moradabad, on the 20th September, the Lady of Mr, Tonnochy, of a Son and Heir,

At Hissar, on the 24th September, the Lady of Captain J, D, Parsons, of a Daughter,

DEATHS,—At Calcutta, on Saturday, the 7th October, Adolphus Saint James, Son of James and Sarah Roberts, aged 2 years, 2 months and 15 days,

At Calcutta, on the 8th October, Mr, L, Morrisson, Chief Officer of the Ship David Clark, aged 27 years,

At Calcutta, on Tuesday, the 10th October, the infant Son of Mr, J, Silverton, aged 18 days,

At Rungpore, on the 28th Septembr, aged 18 years, the Lady of Captain Alexander Davidson, 13th Regiment Native Infantry, Assistant Politiccal Agent North Eastern Frontier, much and deservedly regretted. The deceased was the third Daughter of the late Benjamin Turner, Esq, of Calcutta,

At Dinapore. on the 23d September, after a few days sickness Serjeant Alexander Wright, of the Quarter Master General's Department; a man who was esteemed by all who had the pleasure of his acquaintance. His loss will be long and sincerely regretted.

At Dacca, on the afternoon of the 30th ultimo, Sarjeant Major John Carrol, 44th Regiment Native Infantry, after a short and severe illness, which he bore with the most exemplary fortitude.

MADRAS.

MARRIAGES—On Saturday, the 14th Instant, at Bangalore, by the Revereud Mr, Malkin, B, A. Lieutenant J, Smith 31st Regt, T, L, I, to Miss Saurel.

On the 16th Instant, at St, George's Church, by the Revd, W, Roy, Senior Chaplain, Mr, Willilm Cooke, to Miss Maria Fountaine,

BIRTHS—At Kamptee, near Nagpore, on the morning of Tuesday. the 26th of September, the Lady of Lieut, Colonel Bowdler, Commanding the 41st Regiment, of a Son,

At Secunderabad, on the 21st Ultimo, the Lady of Captain Cuxton, of a Son,

At Cuddapah, on Wednesday, the 30th Ultimo, the the Lady of J, Haig, of a Daughter,

On the 17th Instant, in Fort St. George, Mrs, Stewart, the wife of Cadet Serjeant Alexander Stewart, of a Son,

At Ingeram, on the 6th October, Mrs, Linares, of a Daughter,

At Luz, on the 9th October, Mrs, Jane Conner, the wife of Mr, J, S, Conner, of a Son,

DEATHS—At Cuddapah, on Wednesday, the 30th Ultimo, Mary, the wife of J, Haig, Esq, aged 30 years, within three hours after her delivery of a Daughter, deeply lamented by her afflicted husband,

On the 10th Instant, Alich, the wife of Mr, John Gabell, sincrely regretted,

On Friday, the 13th October, Johanna Welhelmina, infant daughter of Mr. S, D, Vanspall, aged 1 month and 24 days.

MADRAS.

We have the pleasure to announce the arrival in the roads, on Monday last, of the Ship *Hercules* Captain Vaughan, from the Downs the 21st June. Her Passsengers are:—

Mrs. Clarke and two Children, Major Clarke, H. M. 46th Regt., Ensign Napier, do., Ensign Haskin, H. M. Royals, and 140 Men for H. M. Troops, 14 Women and 7 Children.

The *James Sibbald* and *Cambridge* sailed in Company with the *Hercules*.

By this opportunity we have received London Papers to the 16th June—They, for the most part are filled with election intelligence; and some of the accounts are certainly very amusing—we shall take every opportunity of laying the most interesting portion of them before our readers. To-day however, we have only found room for two admirable speeches delivered by Mr. Huskisson, one, at a Meeting of the Canning Club in Liverpool, the other on the hustings, both of which, we doubt not, will be read with great interest. It will be seen, by the articles we have referred to that the Liverpool election has terminated—Mr. Huskisson and General Gascoyne having been returned.

On Sunday arrived H.M.'s Schooner *Cochin*, Capt. O'Neil, from Trincomalie. The Admiral it appears was rather indisposed, but on the recovery.—H. M.'s Ship *Larne* is to be dispatched for England immediately; and the *Cochin* was sent merely round for Despatches and Mails for the *Larne*—she returned yesterday.

The Departures since our last report have been the Ship *Jane*, Captain Moncrief, for Point-de Galle; Brig *Dolphin*, Captain Hofland, for the Northern Ports; Brig *William*, Captain Andre, for the Malabar Coast and Bombay; and the Ships *Georgiana* and *Lady Holland*, for England—the three former sailed on Saturday—the *Georgiana* on Sunday, and the *Lady Holland*, on Monday.

PASSENGERS.

Per Georgiana:—Mr. and Mrs. McLeod for the Cape; Mr. and Mrs. Harington and Children, Captain McKenzie, of the Royals, Lieutenant McBraine, 9th Regt. and Lieut. Hyslop, Artillery, for England.

Per Lady Holland:—Mrs. Agnew and 3 Children, Mrs. Stone, Mrs. Harrison, Col. P. V. Agnew, C. B., Major O'Reilly, Capt. Bedingfield, Capt H. Stone, Capt. Hele, Capt. Woodgate, Capt. W. H. Rowley, Capt. Wilson, Mr. Ely, Mr. Harris, and 100 Invalids and time-expired Men.

Per William:—Miss Dumar and Lieut. Col. Stanly.

Supplement to the Madras Gaz. Oct. 18.

The following is the state of the returns to Parliament, made up to the 16th June.

GENERAL ELECTION.

NEW PARLIAMENT.

MEMBERS RETURNED TO SERVE IN PARLIAMENT

Bletchinly.—W. Russell, Esq. C. Tennison Esq.

Borough of Horsham.—Robt. Hurst, Esq. Hon. Henry Fox.

Abingdon.—J. Maberley.

Aldborough.—J. Walker, J. W. Croker.

Amersham.—T. Tyrwhitt Drake, W. T. Drake.

Andover.—Sir J. N. Kent, T. A. Smith.

Arundel.—Mr. Alderman Atkins, E Lombe, jun.

Bath.—Lord J. Thynne, Lord Brecknock.

Bedford.—Lord G. W. Russell, W. H. Whitbread.

Brackley.—R. H. Bradshaw, J. Bradshaw.

Bridport.—Sir H. D. C. St. Paul, Henry Warburton.

Cambridge.—Marquis Graham, Lieut. Col. French.

Christchurch.—Right Hon. Sir G. H. Rose, G. P. Rose.

Colchester.—Sir G. H. Smith, D. W. Harvey.

Devizes.—J. Pearse, G. W. Taylor.

Dorchester.—R. Williams, Hon. W. Ashley.

East Grimstead.—Hon. C. C. C. Jenkinson, Lord Strathaven.

Eye.—Sir E. Kerrison, Sir M. Nightingale.

Gloucester.—Col. Webb, R. B. Cooper.

Great Bedwin.—Sir J. Nichol, Bart., J. J. Buxton.

Hastings.—Sir C. Wethdrall, Sir W. Curtis.

Huntingdon.—J. Calvert, J. Stuart.

Hythe.—S. Majoribank, Sir R. T. Farquhar.

New Romney.—G. H. D. Pennant, G. W. Tapp.

Norwich.—J. Peal, W. Smith.

Portsmouth.—J. Carter, F. Baring, jun.

MEMBERS RETURNED WITHOUT OPPOSITION.

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MEMBERS RETURNED WITHOUT OPPOSITION.

Salisbury.—Lord Folkstone, W. Wyndham.
Southampton.—W. Chamberlayne, A. R. Dotton.
Tamworth.—Lord C. Townshend, W. Peel.
Tewkesbury.—J. G. Dowdeswell, J. Martin.
Wareham.—J. Calcraft, C. B. Wall.
Warwick.—Sir C. Greville, J. Towes.
Westbury.—Sir M. M. Lopes, Bart., Right Hon. Sir G. Warrender.
Whitchurch, Hants,—S. Scott, Hon. J. R. Townshend.
Winchelsea.—H. Brougham, Lord Visc'. Howick.
Yarmouth, Isle of Wight—Right Hon. Binning, J. Phillimore, L. L. D.
Ashburton.----Sir L. V. Palk, Bart, Hon. W. S. Bourne.
Bodmin.----D. Gilbert, Esq. H. B. Seymour, Esq.
Bridge-wter.—W. Astell, Esq. C. K. Tynte, Esq.
Carmarthen.—Mr. Jones.
Cockermouth.—Hon. R. Stewart, W. W. C. Wilson, Esq.
Cirencester.—Lord Apsley, J. Cripps, Esq.
Clitheroe.—Hon. R. Curzon, Hon.——Cust.
Derby.—Hon. H. F. C. Cavendish, S. Crompton. Esq.
Downton.—T. E. G. B. Estcourt R. Southey, Esq.
Durham.—Sir H. Hardinge, M. A. Taylor.
Exeter.—S. J. Kekewich, Esq. L. W. Buck, Esq.
Gatton.—Hon. W. Scott, M. G. Prendergast, Esq.
Haslemere.—Right Hon. J. Becket, Sir G. Lowther.
Huntingdon.—J. Calvert, Esq. J. Stuart, Esq.
Lancaster.—J. T. Cawthorne, Esq. T. Green, Esq.
Lostwithiel.—Lord Valletort, Sir A. C. Grant.
Ludlow—Lord Clive, Hon. K. H. Clive.
Lyme.—Hon. H. S. Fane, Col. J. T. Fane.
Lymington.—W. Boyd, Esq. G. L. Prendergast, Esq.
Maidstone.—J. Wells, Esq.——Robert, Esq
Malmesbury.—C. Forbes, Esq., J. Forbes, Esq.
Malton.—Hon. J. C. Ramsden, Lord Normanby.
Milborn Port.—Lord Graves, A. Chichester, Esq.
Minehead.—J. F. Luttrell, Esq. J. Blair, Esq.
Newcastle-on-Tyne—Sir M. W. Ridley, C. Ellison.
Newton-in-Mackerfield,—Thomas Legh, Esq. T. Alcock, Esq.
Oakhampton.—Sir C. Domville, Col. Strutt.
Orford.—H. B. Seymour, Esq. Sir H. F. Cooke.
Petersfield.—Mr. Jolliffe, Mr. Marshall.
Plymouth.—Sir W. Congreve, Sir T. B. Martin.
Plympton.—Hon. G. Edgcumbe, G. C. Antrobus.
Reigate.—Sir J. S. Yorke, J. Cooks, Esq.
Sabash.—A. Spottiswoode, Esq., H. Monteith, Esq.
Sandwhich.—Sir E. W. C. R. Owen, J. Marryat, Esq.
Stamford.—Lord C. Cecil, T. Chaplin, Esq.
Tavistock.—Lord Ebrington, Esq. Lord W. Russell.
Thirsk.—Mr. Frankland, Mr. G. Russell.
Warlock.—Hon. G. Forrester, B. L. Thompson, Esq.
Weobly.—Lord W. Thynne, Sir G. Cockburn.
Westbury, Wilts.—Sir M. M. Lopes, Bart, Right Hon. Sir G. Warrender, Bart.
West Looe.—J. Buller, Esq., C. Buller, Esq.
Westminster.—Sir F. Burdett, J. C. Hobhouse, Esq.
Wigan.—Col. Lindsay, A. Hodson, Esq.
York City.—Mr. Wyvill and Mr. Wilson.
Aldborough.—Clinton, Grant.
Boroughbridge.—Mundy, Dawkins.
Bramber.—Irving, Calthorpe.
Bishop's Castle.—W. Holmes, E. Rogers.
Banbury.—Hon. A. Legge.
Bury S. Edmund's.—Earl of Euston, Lord Hervey.
Bewdley.—W. A. Roberts.
Castle Rising.—Lord Cholmondely, Colonel F. G. Howard.
Calne.—Sir J. Macdonald, Hon. J. Abererromby.
Chippenham.—E. T. Maitland, T. Gye.
Guildford.—Onslow, Norton.
Harwich.—J. C. Herries, N. C. Tindal.
Helstone.—Marquis of Carmarthen, Lord James Townshend.
High.—Wycombe.—Sir L. D. King, Sir T. Baring, Bart.
Montgomery.—H. Clive.
New Radnor.—Price.
Northallerton.—Hon. H. Lascelles, Sir J. P. Beresford.
Retford.—Sir R. Dundas, W. B. Wrightson.
Steyning.—Phillips, Dukaine.
St. Ives. (Cornwall).—Sir C. Hawkins, J. Halse.
Shafteshury.—Leycester, Davenport.
St. Albans.—C. Smith, J. Easthope.
St. Mawe's.—Sir S. Morland, Sir C. Carrington.
Thetford.—Lord C. Fitzroy, W. B. Baring.
Peterborough.—Sir R. Heron, J. Scarlett.
Windsor.—J. Ramsbottom, Sir R. H. Vivian.
Wendover.—J, Smith, G. Smith.
Callington.—A. Baring, M. Attwood.
Camelford.—M. Milbank, Colonel Craddock.
Droitwhich.—J. H. Foley, Earl of Sefton.
East Looe.—Lieut.-Col. Elphinstone, Hon. W. S. Lascelles.
Midhurst.—J. Smith, A. Smith.
Monmouth, Newport, and Usk,—Marquis of Worcester.
Morpeth,—Lord Morpeth, W. Ord.
New Town, I. W.—H. Gurney, C. C. Cavendish, Esq.
Newport, I. W.—Rot. Hn. G. Canning, Hon. W. H. J. Scott.
Ripon.—Right Honourable F. T. Robinson, L. Shadwell.
Richmond.—Honourable T. Dundas, S. M. Barrett.
Totness.—Lord Barnard, T. P. Courtenay.
Tiverton.—Lord Sandon, Honourable R. Ryder.
Wallingford.—Colonel Hughes, Colonel Robarts.
Warwick (County),—D. S. Dugdale, F. Lawley.
Aylesbury.—Lord Nugent, W. Rickford.
Beverley.—C. H. Battey, Mr. Stewart.
County of Dorset.—E. B. Portman, H. Bankes.
County of Leicester.—Lord Manners, G. A. L. Keck.
County of Worcester.—Col. Lygon, Sir J Winnington.
Dartmouth—Captain Bastard, Col. Cooper.
Dundalk.—C. Backeley, Esq.
Iledon.—Col. J. Baillie, T. H. Villiers.
Marlboroug.—Lord Bruce, Lord Brudenell.
Town and County of Oakham.—Sir Gerard Neel, Sir G. Heathcote.
Truro.—Lord F. Somerset, W. E. Tomline

[*Sup. to the Mad. Gaz. Oct.* 18.

EUROPE.

THE COURIER.—June 8.

Brussels papers to the 8th inst. have been received this morning. We subjoin a few miscellaneous extracts, from one of which it will be seen an opinion is getting abroad, that the negociations between Turkey and Russia are likely to proceed less amicably than was originally anticipated.

BRUSSELS, June 3.

"News has been received at Antwerp, that the *Bellona* frigate has landed at Batavia, the Viscount Du Bus de Ghissignies, his Majesty's Commissioners General in the Dutch Possessions in the East Indies.

"June 4.

"The concert for the benefit of the Greeks has surpassed all expectation. The most distinguished persons all classes of this city were eager to participate in this act of humanity. Many young ladies of the first families sang in the choruses or performed on the harp. The concert-room was adorned with military trophies, and in the back ground was a fort representing Missolonghi. A collection was afterwards made by the twelve ladies, who had performed on their harps the Chorus of the Bards.

"It is reported that instructions have been sent from the Government to the military authorities at Tournay, enjoining them to proceed with rigour against persons who shall come into the country with a view to enlist recruits. These instructions are founded on the neutrality which the Government wishes to preserve in the affairs of Greece.

"A private letter from Vienna, of a recent date, says, that some apprehension are entertained respecting the result of the negociations between the Turkish and Russian Commissioners, who are to meet on the frontiers of the two Empires; and that it is feared the Turkish negociators may have recourse to their old practice of tergiversation and delay. This is the reason that the rise in the Austrian funds has not been supported."

We have received the *Allgemeine Zeitung*, to the 2d of June. An article dated from the Frontiers of Poland, May 23, mentions new disturbances to have broken out in Podalia, which, however, had been completely put down by the military. The following paragraphs respecting Ibrahim Pacha, and the few Greeks who succeeded in cutting their way through the enemy, are not without interest.

"TRIESTE, May 26.

"According to accounts direct from Patras, of the 14th May, Ibrahim's camp was still there. The Egyptian army is so weakened by the siege of Missolonghi, that it will, probably, require some time to repose, before it undertakes further offensive operations. Travellers, who have arrived at Zante, from Salona, relate, that when the part of the garrison of Missolonghi, which had so bravely fought its way through the enemy's army, arrived at Salona, the people crowded round them to kiss their garments. In the Ionian Islands, they are called the men of the Sacred Band.

"VIENNA, May 27.

Metalliques	90⅞
Bank Shares	1,107 1-3

"CITY, TWO O'CLOCK.

"The Money Market is thinly attended this morning, and the transactions continue limited.

"Consols have improved about a quarter per cent. since the commencement of business. At present, the price remain steady at 80$\frac{37}{48}$, after having been 80⅞, buyers.

"The new 4 per Cent. Scrip continue at 1$\frac{31}{32}$; and Exchequer Bills at 8 9 pm.

"The variation in the Foreign Securities is scarcely worth noticing, Mexican Bonds have improved about a half per cent. being 63, but Colombian remain without alteration, viz. 41¼; Peruvian Bonds 29 30; Brazil 56½ 57; Russian, 81; Spanish, 7⅛; Greek, 11½.

"We have not heard of any business transacting in Shares. The prices are merely nominal.

"Up to this hour, there are no arrivals by express, from Paris."

Yesterday, a Court of Directors was held at the East India House, when the ship *Princess Amelia*, for China direct, was thus timed, viz. to be afloat 10th June, and to sail from Gravesend at the expiration of 30 days from that period.

Extract of a letter, dated Port-au-Prince, (St. Domingo), April 22:—"A French vessel, laden with English goods, has arrived at Aux Cayes from Bordeaux; the full duty of 12 per cent. has been levied upon them; they were imported in English packages, and betrayed themselves, Mr. Caliot Broward is appointed Haytian Agent for France. By a law which has just passed, yesterday, Haytian property, under the Haytian flag, is to pay one-sixth less duty on imports, and one-tenth less on exports, than what is exacted from the most favoured nation. The bonding law is to take effect on the 1st of August next; the property is only to be allowed to remain one year in store, at 1 per cent. storage, with an additional charge of 2 per cent, as export duty. Should the goods be sent out of the country, Port-au-Prince, Jacnal, Aux Cayes, Cape Haytian, and the city of St. Domingo, are the only ports where this advantage will be enjoyed. The National Bank Law has passed the Chamber of Deputies. The capital is to be six millions of dollars. "Where will they come from?" There is but little progress in raising a loan here; a law for levying a contribution from the Haytians is under discussion. The directors of the Bank, as well as the Administrative Committee, are to be Indigenes: foreigners may be elected censors."

By the *Pyramus* frigate, from Mexico and New York, we have accounts from the former to the 29th March. Every thing was tranquil. There was much talk of the invasion of Cuba, but nothing had been done in the way of embarkation of men or naval preparations. The *Pyramus* brings a considerable sum in specie; reports says 300,000*l*.

If we are to believe some of the French Papers to the 6th inst. which reached us last night by Express, fresh alarms are entertained for the life of the Emperor of Austria. The nature of his present complaint is not mentioned, but the medical Bulletins, we are told, are very desponding. None of these Bulletins, however, are given.

New Publications.—The following interesting Work are just published by Mr. Colburn, New Burlington-street:—The Life and Times of Frederick Reynolds, the Dramatist, by himself, 2 vols.—Captain Maitland's Narrative of the Surrender of Napoleon, and of his residence on boards his Majesty's ship Bellerophon, 1 vol.—De Vavasours, a tale of the 14th century, 3 vols.—The Life and Correspondence of Major Cartwright, by his niece, 2 vols.—The Plain Speaker, Opinions on Books, Men, and Things, 2 vols.—Memoirs of Count Segur, vol 2nd containing the account of his residence at the Court of Catherine II. of Russia.—Sandoval; or, the Freemason, a tale of present times, by the Author of Don Esteban, 3 vols.—The second volume of Godwin's History of the Commonwealth and the Memoirs of the Prince de Montbarey, 2 vols.

Mrs. Radcliffe's Romance, &c.—The following Works will be published, in a few days, by Mr. Colburn, New Burlington-street:—Gaston de Blondeville, a romance, and St. Alban's Abbey, a metrical tale, by the late Ann Radcliffe, Author of the Mysteries of Udolpho, Romance of the Forest, &c. 4 vols.—Miller's Biographical Sketches of British Characters, deceased, since the Accession of George IV., 2 vols.—The German Novelist; Tales, selected from ancient and modern Authors in that Language, from the earliest period to the close of the 18th century, by Thomas Roscoe, Esq. 4 vols.—The Political Primer; or The Road to Public Honours, 1 vol.—Rejected Articles, 1 vol.—And, Memoirs of a Serjeant in the French Army, written by himself, 1 vol.

THE TIMES.—June 8.

HOT! HOT!—ALL HOT!!

Monsieur Chabert (the celebrated continental salamander) exhibited his power in withstanding the operation of the fiery element, at White Conduit gardens, yesterday evening. In the first instance, he refreshed himself with a hearty meal of phosphorns, which was, at his own request, supplied to him very liberally, by several of his visitors, who were previously unacquainted with him. He washed down this infernal fare with solutions of arsenic and oxalic acid, thus throwing into the back-ground the long established fame of Mithridates. He next swallowed with great *gout*, several spoonsful of boiling oil, and, as a dessert to this delicate repast, helped himself with his naked hand to a considerable quantity of molten lead. There are, we know, preparations which so indurate the cuticle as to render it insensible to the heat either of boiling oil or of melting lead, and the fatal qualities of certain poisons may be destroyed, if the medium through which they are imbibed, as we suppose to be the case here, is a strong alkali. We cannot, however guess in what manner Monsieur Chabert effected this neutralization; and it is but fair to state, that the exhibitor offered to swallow Prussic acid, perhaps the most powerful of known poisons, the effect of which is instantaneous, if any good-natured person could furnish him with a quantity of it. During the period when this part of the entertainment (if entertainment it can be called) was going on, an oven, about six feet by seven, was heated. For an hour and a quarter large quantities of faggots were burned in it, until at length it was hot enough for the bedchamber of his Satanic Majesty. "O! for a muse of *fire*!" to describe what followed. Mons Chabert, who seems to be a piece of living asbestos, entered this stove, accompanied by a rumpsteak and a leg of lamb, when the heat was at about 220. He remained there, in the first instance, for ten minutes, till the steak was properly done, conversing all the time with the company, through a tin tube, placed in an orifice formed in the sheet iron-door of the oven. Having swallowed a cup of tea, and having seen that the company had done justice to the meat he had already cooked, he returned to his fiery den, and continued there until the lamb was properly done. This joint was devoured with such avidity by the spectators, as leads us to believe, that, had Mons. Chabert himself been sufficiently baked, they would have proceeded to a Caribbean banquet. Many experiments, as to the extent to which the human frame could bear heat, without the destruction of the vital powers, have been tried from time to time; but, so far as we recollect, Monsieur Chabert's fire-resisting qualities are greater than those professed by the individuals who before him, have undergone this species of ordeal. It was announced some time ago, in one of the French journals, that experiments had been tried with a female, whose fire-standing qualities had excited great astonishment. She, it appears, was placed in a heated oven, into which live dogs, cats, and rabbits, were conveyed. The poor animals died, in a state of convulsion, almost immediately, while the fire-queen bore the heat without complaining. In that instance, however, the heat of the oven was not so great as that which Monsieur Chabert encountered. If Mousieur Chabert will attach himself to any of the insurance companies, he will, we have no doubt, "save more goods out of the fire" than ever *Nimming Ned* did; but if he should not like that employment, old Colbett, of bone-grubbing notoriety, will, no doubt, engage him for the purpose of receiving lessons in the art of fire-bearing prior to his "gridiron exhibition."

THE MORNING CHRONICLE June 8.

Dispatches have been received from Captain Franklin, of the Arctic-land Expedition, dated at Winter-quarters, Fort Franklin, on the great Bear Lake, September 6th. During the summer, three expeditions, under Captain Franklin, Lieut. Back, and Dr. Richardson, were made, preparatory to the great objects to be undertaken next year. The expedition under Capt. Franklin went to the mouth of Mackenzie river, which he found to discharge itself into an open sea; there is one island near its mouth, called by Captain Franklin Garry's Island. From the summit of this island the Captain saw the sea to the Northward all clear of ice or islands; to the Westward he saw the coast to a great distance, his view terminating at very lofty mountains, which he calculates were in the longitude of 139 deg. west. The expedition would proceed early in the spring on its ulterior objects. The officers and men were all well, and in high spirits, at the favourable circumstances which had hitherto attended their proceedings.—*Courier.*

THE TIMES.—June 9.

We understand that a number of noblemen and gentlemen residing at the west-end of the town presented a requisition yesterday to Mr. Canning, desiring him to allow himself to be put in nomination as a representative for Westminster. Mr. Canning, thanked them for the honour which they wished to confer upon him, but declined accepting it, stating that his duties as Secretary of State were so numerous as to prevent him from adequately discharging those of the representative for a large city. He added, that if he could discharge the duties of both situations, gratitude would prevent him from entering into the service of any other than his former constituents at Liverpool.

THE COURIER.—June 10.

The lady of a dashing Baronet has surrendered to her husband 153 *billets d'amour* with which her virtue has been assailed by a Gallant Officer, holding the rank of a Colonel in a most distinguished corps. Our concern would be lessened, however, if we had any prospect of laying before our readers those exquisite *morceaux*, which, if report may be believed, out to do all that has hitherto been done in the way of amatory epistles.—*Devizes and Wiltshire Gazette.*

THE ENGLSH GENTLEMAN.—June, 11.

The King.—His Majesty has attended the Ascot race course every day. The King is in most excellent health and spirits, and was on every occasion received by all classes in the most enthusiastic manner. After the sport of each day, the King intertained a select circle of distinguished guests.

His Royal Highness the Duke of York gave large dinner parties at Frogmore, and returned to town on the conclusion of the races.

Wanted.—Several thousand pair of *Stentorian Lungs*, warranted sound, and in good condition, —for the use of the various *candidates*, and their *proposers*, throughout the united kingdom, during the present general election.—As a liberal remuneration will be made for them, none are expected to be offered but what are genu-*ine*, and can roar for at least, six hours per the dial—without intermission.

Apply to *Barnaby Blow-bellows, Ex-Mouth*-street, who is specifically appointed as sole agent, to fulfil any negociations which may be entered into for such supply.

Wanted.—Before the meeting of the new Parliament, an entire and Radical *Reform—of the Saints*, a large supply of uncompromising integrity, and a vast diminution of hypocrisy

Apply to *John Bull.*

Wanted.—Some spick and span new *arts*, to wheedle Electors out of their votes—the old and stale promises and pledges having been completely seen through.—Any clever and ingenious individuals (with which this age of humbugging invention and discovery abounds,) who can hit on any new plan, to obtain *plumpers*,—by telling good and successful *lies* will be *handsomely* rewarded, by applying to *certain parties* in the *City of London*, and Borough of Southwark, whose names are placarded all over the town.